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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

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The following Bills were introduced in Lok Sabha on 12th December, 2014:—

BILL NO. 103 OF 2014

A Bill further to amend the Mines and Minerals (Development and Regulation) Act, 1957

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

1. This Act may be called the Mines and Minerals (Development and Regulation) Amendment Act, 2014. Short title.

Insertion of new section 3A.

2. After section 3 of the Mines and Minerals (Development and Regulation) Act, 1957, the following heading and section thereunder shall be inserted, namely:— 67 of 1957.

"PROVISIONS OF THE ACT NOT TO APPLY TO COAL MINING IN SCHEDULED AREAS

Act not to apply in relation to coal mining in tribal areas specified in the Sixth Schedule to the Constitution.

3A**.** (*1*) Nothing in this Act shall apply to operations already being undertaken or to be undertaken for the purpose of mining of coal in a traditional or customary manner in the tribal areas specified in the Sixth Schedule to the Constitution.

(*2*) For the purpose of sub-section (1), the State Government concerned shall, by notification in official Gazette, specify the tribal areas where mining of coal is undertaken in a traditional or customary manner.

(*3*) Notwithstanding anything contained in this Act, the District Council for each autonomous area may regulate the operation of mining of coal in that autonomous area in public interest.".

STATEMENT OF OBJECTS AND REASONS

Recent trends in the administration of justice particularly by the National Green Tribunal have intrusive and obliterating effects on the traditional and customary coal mining activities in Meghalaya and other North-Eastern States.

The customary and traditional economic practices of the communities in the North-East India need statutory safeguards especially when the Constitution guarantees for the preservation of the history, heritage, culture, economy and polity of the North-Eastern States.

The recent interim order of the National Green Tribunal banning the rat-hole coal mining in Meghalaya has resulted in deleterious economic consequences. The protection of environment should not be at the cost of humanity. If there is a conflict between livelihood and protection of environment, the former has to be favoured. Such contentious protection of environment at the cost of the interests of labourers and traditional workers is not indicative of a progressive society.

The Bill seeks to protect the economic life of the citizens living in the North-Eastern States by exempting the areas where coal mining is undertaken in traditional or customary ways from the application of the Mines and Minerals (Development and Regulation) Act, 1957. The Bill also empowers the concerned State Governments to notify such areas and further empowers the District Councils of autonomous areas specified in the Sixth Schedule to the Constitution to regulate such traditional and customary coal mining in public interest.

Hence this Bill.

NEW DELHI;
July 22, 2014

VINCENT H. PALA

BILL NO. 112 OF 2014

A Bill to regulate the nursing profession by providing for abolition of requirement of service bond or withholding of original educational documents of students or employees by institutions, hospitals or establishments in nursing sector and to safeguard the interests of employees and nursing students from all kinds of harassment and exploitation and for matters connected therewith.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Nursing Profession (Abolition of Service Bond and Miscellaneous Provisions) Act, 2014.

(*2*) It extends to the whole of India.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*i*) "appropriate Government" means in the case of a State, the State Government and in all other cases, the Central Government;

(*ii*) "service bond" in relation to a nursing profession refers to a system whereby a person, who is a qualified nursing service provider or a student of a nursing course in an institution, is compelled to enter into an agreement with an employer or an institution engaged in nursing profession, as the case may be, with any of the following obligations,—

(*a*) minimum period of service to be rendered by an employee or a student on successful completion of nursing course;

(*b*) depositing of original mark sheets, certificates or other such documents and withholding the same beyond a reasonable period required for verification of such documents or obtaining any other form of sureties from a student or an employee, as the case may be; and

(*c*) payment of compensation to an institution or an employer in case the student or employee leaves prior to completion of period stipulated in the agreement by way of signing a bond by whatever name called;

(*iii*) "certificate" means original mark sheet, degree or provisional certificate showing the qualification of a student or an employee and includes conduct certificate, transfer certificate and experience certificate;

(*iv*) "employee" means a person who possesses qualification of Auxiliary Nursing Midwife or General Nursing and Midwifery or Bachelor's or Master's degree in a nursing course and is rendering service as a nurse in a hospital, nursing home or nursing institution;

(*v*) "employer" means a person who owns or is in-charge of a hospital or nursing home or clinical establishment or nursing institution or who is authorised to make appointments, promotions or monitor the performance of the employees;

(*vi*) "institution" means an institution offering courses such as Auxiliary Nursing Midwife, General Nursing and Midwifery, Bachelor's or Master's degree in nursing or any other equivalent course connected with nursing;

(*vii*) "prescribed" means prescribed by rules made under this Act; and

(*viii*) "student" means a student pursuing any course such as Auxiliary Nursing Midwife, General Nursing and Midwifery, Bachelor's or Master's degree in nursing or any other equivalent course connected with nursing.

Abolition of service bonds.

3. (*1*) The practice of obtaining service bond from students or employees by nursing institutions, nursing homes, clinical establishments or hospitals is hereby abolished.

(*2*) No institution or employer shall—

(*a*) compel or force any student or employee to execute service bond in any form;

(*b*) force or compel any employee to execute service bond to continue in service;

(*c*) withhold any certificate or other such documents of any student or employee on any ground beyond a period of thirty days from the date of submission of certificates;

(*d*) demand any compensation, damage or surety amount claim for release of the certificates or other such documents from any employee or student who wish to be relieved from the service of such institution or employer; and

(*e*) take any step, directly or indirectly, which aims at promoting the practice of obtaining service bond.

Designating an officer for implementation of provisions of this Act.

4. (*1*) The appropriate Government shall, as soon as may be, designate an officer not below the rank of District Magistrate, in every district for the purpose of implementing the provisions of this Act.

(*2*) The officer designated under sub-section (*1*) shall be assisted by such number of officers and staff as may be prescribed by the appropriate Government.

(*3*) The designated officer shall perform the following functions—

(*i*) provide a helpline number to the students and employees to lodge complaints against harassment or exploitation by the institutions or employers;

(*ii*) entertain complaints of continuance of practice of obtaining service bonds by nursing institutions, hospitals, nursing homes or clinical establishments;

(*iii*) issue show cause notices to the institutions or employers on finding *prima facie* evidence of violation of the provisions of this Act;

(*iv*) conduct inspections of the institutions or employers, as the case may be, on the basis of complaints received from the students or employees, as the case may be;

(*v*) compile and maintain a database of students and employees of nursing profession;

(*vi*) recommend compensation to the family of those students or employees who commit suicide due to harassment by institutions or employers or become incapacitated due to any reason; and

(*vii*) recommend to the appropriate Government such action, as it may deem appropriate, including cancellation of registration or withdrawal of affiliation of such institutions, hospitals, nursing establishments or nursing homes which work in violation of the provisions of this Act:

Provided that before recommending cancellation of registration or withdrawal of affiliation of any institution or employer, such institution or employer shall be given reasonable opportunity of being heard in the matter.

Punishment.

5. (*1*) Whoever violates the provisions of section 3, shall be punished with a fine, which may extend to rupees five lakh.

(*2*) Notwithstanding anything contained in the Indian Penal Code, 1860, whoever abets the suicide of a student or an employee by harassing such student or employee, shall be punished with imprisonment for a term of two years, and with fine which may extend to rupees ten lakh. 45 of 1860.

Offences to be tried by Executive Magistrate.

6. (*1*) the appropriate Government may confer, on Executive Magistrate, the powers of Judicial Magistrate of the first class or of the second class for the trial of offences under this Act; and, on such conferment of powers, the Executive Magistrate, on whom the powers are so conferred, shall be deemed, for the purposes of the Code of Criminal Procedure, 1973, to be a Judicial Magistrate of the first class, or of the second class, as the case may be. 2 of 1974.

(*2*) An offence under this Act may be tried summarily by a Magistrate.

Power to make rules.

7. (*1*) The appropriate Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such

modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(*3*) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State legislature.

STATEMENT OF OBJECTS AND REASONS

Nursing profession is the backbone of health sector of a country and offers abundant career opportunities both within the country and overseas. However, at the same time, exploitation of nursing staff is also increasing. Many nursing institutions, hospitals and nursing homes are exploiting employees on pretexts such as bond, internship, skill training, etc.

The bond system forces the nursing staff to render 12-14 hours work continuously in a day or two shifts at one stretch without reasonable hours of rest. Employees are paid very meagre salary and are deprived of service benefits, medical leaves and protection from communicable diseases. They are subjected to constant harassment by the employer. Employees have to work even if they are not keeping well. Factors such as increasing work load, harassment, insecure job environment, meagre salary and lack of maintaining reasonable nurse-patient ratio are causing adverse effect on the physical and mental health of employees. The working environment is also seriously affecting their personal and family life, which is a matter of serious concern as majority of the employees in this profession are women and come from economically weaker sections of the society. Due to bond conditions and impounding of certificates by the employers, employees have no option other than submitting themselves to the exploitation which is in violation of their fundamental rights.

Increasing number of work-induced diseases as well as deaths and suicides among nursing staff shows their pathetic condition which cannot be allowed to continue in a welfare State. Drastic decline in enrollment in nursing courses shows the changed attitude towards nursing profession which may result in dearth of nursing professionals in future. This trend is bound to adversely affect our health sector.

Frequent strikes by the nursing staff in various hospitals is seriously affecting the health sector and high incidence of suicides among nurses due to stress urgently demand for certain protective and welfare measures for the nursing staff to address their genuine grievances in an effective manner. In order to regain the reputation of nursing profession and for maintaining standard of nursing profession within the health sector in the country, provisions to safeguard the employees from the threat of bonded labour and harassment are urgently required to be enacted.

Hence this Bill.

NEW DELHI;
July 17, 2014.

ANTO ANTONY

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for providing of helpline number, compilation of data of nursing students and employees by the designated officer. The expenditure relating to States shall be borne out of the Consolidated Funds of the respective States. However, the expenditure in respect of Union territories shall be borne out of the Consolidated Fund of India. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. However, at this stage, it is not possible to quantify the exact amount of recurring and non-recurring expenditure likely to be involved. However, it is estimated that a recurring expenditure of rupees two hundred crore will be incurred per annum.

A non-recurring expenditure of rupees two hundred crore is also likely to be involved.

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MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the appropriate Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only. The delegation of legislative power is, therefore, of a normal character.

BILL NO. 123 OF 2014

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 2014.

Amendment of the Eighth Schedule.

2. In the Eighth Schedule to the Constitution, the existing entries 4 to 22 shall be re-numbered as entries 5 to 23, respectively, and before entry 5 as so re-numbered, the following entry shall be inserted, namely:—

"4. Chhattisgarhi.".

STATEMENT OF OBJECTS AND REASONS

Chhattisgarhi language, which is one of the formats of eastern Hindi language class, in its semi *magadhi* form of Indo-Aryan language is not only being spoken, understood and used by the people in Chhattisgarh but also in other States of country. Chhattisgarh Legislative Assembly had unanimously recommended on 30 March, 2001 and 13 July, 2007 to include this language in the Eighth Schedule to the Constitution. But till date, necessary action has not been taken in this regard.

Further, Chhattisgarh Legislative Assembly has unanimously passed the Chhattisgarh Official Language (Amendment) Bill, 2007 by which the Chhattisgarhi language has also been recognized as the official language in addition to Hindi in that State. The Bill was notified as an Act of the State on 11 July, 2008.

In view of the above, it is necessary that the Chhattisgarhi language be included in the Eighth Schedule to the Constitution.

Hence this Bill.

NEW DELHI;
November 5, 2014

TAMRADHWAJ SAHU

BILL NO. 153 OF 2014

A Bill to ban the use of harmful pesticides.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Banning of Harmful Pesticides Act, 2014.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Banning of use of harmful pesticides and pesticides formulations.

2. The Central Government shall, within a period of one year from the date of coming into force of this Act, take such measures as it may deem fit for banning the use of harmful pesticides and pesticides formulations specified in the Schedule to this Act in agriculture and such other practices in such manner as may be prescribed by rules made under this Act.

Act not in derogation of any other law for the time being in force.

3. The provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force.

Power to make rules.

4. (*1*) The Central Government may, by notification in the Gazette of India, make rules for carrying out the purposes of this Act.

(*2*) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

THE SCHEDULE
[*See* section 2]

1. Acephate
2. Alachlor
3. Aluminum Phosphide
4. Atrazine
5. Benfuracarb
6. Benomyl
7. Bifenthrin
8. Butachlor
9. Captan
10. Carbaryl
11. Carbendazim
12. Carbofuran
13. Chlorefenapyr
14. Carbosulfan
15. Chlorothalonil
16. Chlorpyriphos
17. Dezomet
18. Dichlorodiphenyltrichloroethane
19. Deltamethrin
20. Diazinon
21. Dichlorovos
22. Dicofol
23. Diflubenzuron
24. Dimethoate
25. Dinocap
26. Diuron
27. Endosulfan
28. Etofenprox
29. Fenpropathrin
30. Fenarimol
31. Fenitrothion
32. Fenthion
33. Iprodione
34. 2, 4-Dichlorophenoxyacetic Acid
35. Kasugamycin
36. Linuron
37. Lindane
38. Methomyl
39. Methoxyethylmercury chloride
40. Methyl parathion
41. Malathion
42. Mancozeb
43. Mepiquat chloride
44. Metaldehyde
45. Monocrotophos
46. Oxyfluorfen
47. Paraquat dichloride
48. Pendimethalin
49. Phorate
50. Phosphamidon
51. Pretilachlor
52. Propargite
53. Propineb
54. Quinalphos
55. Sodium cyanide
56. Sulfosulfuron
57. Thiodicarb
58. Thiometon
59. Thiophanate methyl
60. Thiram
61. Triazophos
62. Trichlorfon
63. Tridemorph
64. Trifluralin
65. Zinc phosphide
66. Zineb
67. Ziram

STATEMENT OF OBJECTS AND REASONS

The problem of pests in agriculture, which resulted in decline of production of various crops and some time even destruction of entire crop, has been addressed, to a great extent, by the use of pesticides. However, the use of pesticides is detrimental not only to human but also to the environment. This threat to human and environment by the use of pesticides needs our serious attention because the harmful effects of pesticides come to the fore after a time lag which may be few years or longer. Therefore, there is a necessity to ban the use of such pesticides which are severely harmful to human as well as environment. Further, the use of pesticides may also stunt the mental and physical health of children who are exposed to such pesticides thereby affecting the future generations of the country even before they are born. All the more pivotal point is that many harmful pesticides which have been banned internationally are not banned in India.

In view of the facts stated above, the Bill seeks to ban the use of certain harmful pesticides.

NEW DELHI;
November 7, 2014

P. KARUNAKARAN

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MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 176 OF 2014

A Bill further to amend the Maternity Benefit Act, 1961.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Maternity Benefit (Amendment) Act, 2014.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 5.

2. In section 5 of the Maternity Benefit Act, 1961, in sub-section (3), for the words "twelve weeks", the words "twenty four weeks" shall be substituted. 53 of 1961.

STATEMENT OF OBJECTS AND REASONS

Provision of proper care to the mother and infant is fundamental to the growth and well being of the society. An infant requires as much attention and care of the mother as may be possible. The maternity leave of twelve weeks currently available to working women needs to be extended to twenty four weeks in order to provide an infant wholesome care and proper nourishment for his overall growth. The Sixth Pay Commission had recommended for extension of maternity leave for Central Government women employees upto six months and the same has been implemented by the Central Government. Further, the World Health Organisation as well as Union Ministry of Health and Family Welfare have issued guidelines stating *inter alia* that a baby needs to be nursed by the mother for a minimum period of six months.

The Bill, therefore, seeks to amend the Maternity Benefit Act, 1961 with a view to enhance maternity leave for women employees from twelve weeks to twenty four weeks.

NEW DELHI;
November 7, 2014

P. KARUNAKARAN

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FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for enhancement of maternity leave for women employees from twelve weeks to twenty four weeks. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees five hundred crore will be involved.

No non-recurring expenditure is likely to be involved.

BILL NO. 168 OF 2014

A Bill further to amend the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Amendment Act, 2014.

Amendment of section 26.

2. In section 26 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (hereinafter referred to as the principal Act), after sub-section (*d*), the following sub-section shall be inserted, namely:— 1 of 1996.

"(e) endeavour to provide free education facilities and reservation of seats in educational institutions for the children of persons with disabilities.".

Amendment of section 38.

3. In section 38 of the principal Act, after clause (f), the following clause shall be inserted, namely:—

"(*g*) encouraging self-employment among persons with disabilities through provision of loan at concessional rates of interest and providing land, water, electricity and other necessities at subsidised rates;"

Amendment of section 67.

4. In section 67 of the principal Act, After sub-section (*2*), the following sub-section shall be inserted, namely:—

"(*3*) The appropriate Government shall provide free life insurance to every person with disability in such manner as may be prescribed.".

Insertion of new section 68A.

5. After section 68 of the principal Act, the following section shall be inserted, namely:—

Certain facilities for people with disabilities.

"68A. The appropriate Government shall, in such manner as may be prescribed, endeavour to provide following facilities to the persons with disabilities,—

(*i*) old age pension of rupees four thousand per month;

(*ii*) adequate quantity of foodgrains at subsidised rates from Public Distribution System;

(*iii*) free healthcare facilities from Government hospitals funded fully or partially by the Government; and

(*iv*) encouraging their employment in private enterprises."

STATEMENT OF OBJECTS AND REASONS

The persons with physical disabilities have also an equal right to lead a decent life just like others. The Government has enacted a special legislation for them and some significant improvement has been seen so far. But it may be seen that majority of disabled persons still live under pitiable conditions with no assistance from any source. In the absence of any monetary source, these persons suffer a lot in their old age. Since they are generally poor, they are not able to afford education or medical facilities for their family members.

It is, therefore, proposed to provide certain welfare measures for persons with disabilities.

Hence this Bill.

NEW DELHI;
November 12, 2014

M.K. RAGHAVAN

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FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for free education facilities for children of persons with disabilities. Clause 4 provides that the appropriate Government shall provide free life insurance scheme of upto rupees one lakh to any person with disability. Clause 5 provides that the appropriate Government shall provide free healthcare facilities, oldage pension and essential commodities at subsidised rates to persons with disabilities. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees two thousand crore per annum will be involved.

A non-recurring expenditure of about rupees one thousand crore is also likely to be involved.

BILL NO. 144 OF 2014

A Bill to provide for constitution of a Committee for fixing the prices of drugs and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Drugs (Price Control) Act, 2014.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "dealer" means a person engaged in the business of purchase or sale of drugs, whether as a wholesaler or retailer and whether or not in conjunction with any other business and includes his agent;

(*b*) "distributor" means a distributor of drugs or his agent and includes a stockist appointed by a manufacturer or an importer for stocking his drugs for sale to a dealer; and

(*c*) "drug" includes—

(*i*) all medicines for internal or external use of human beings and all substances intended to be used for, or in the diagnosis, treatment, mitigation, or prevention of any disease or disorder in human beings including preparations applied on human body for the purpose of repelling insects like mosquitoes;

(*ii*) such substances, intended to affect the structure or any function of the human body or intended to be used for the destruction of vermin or insects which cause diseases in human beings; and

(*iii*) drugs of all systems of medicine like allopathy, homoeopathy, ayurveda, unani and siddha.

Constitution of Drugs (Price Control) Committee.

3. (*1*) There shall be constituted a Committee to be known as the Drugs (Price Control) Committee (hereinafter referred to as the Committee) to fix the prices of drugs.

(*2*) The Committee shall consist of—

(*i*) the Minister of Health and Family Welfare, Government of India	Chairman, *ex officio;*
(*ii*) three representatives of major hospitals including Government run hospitals	members;
(*iii*) two representatives of drugs industry	members;
(*iv*) two representatives of Indian system of medicine	members;
(*v*) Secretary to the Government of India, Ministry of Health and Family Welfare.	member secretary, *ex officio.*

Functions of the Committee.

4. The Committee shall—

(*i*) fix the prices of drugs after taking into consideration the costs of manufacturing, storage, packaging, import of formulation and distribution as well as profit of manufacturer and such other factors as it may deem necessary;

(*ii*) promote the use of generic drugs; and

(*iii*) determine the standard of drugs.

Prohibition on selling of drug at a price exceeding the price determined by the Committee.

5. No person or a manufacturer or a distributor or a dealer shall sell any drug to any consumer at a price exceeding the price fixed by the Committee.

Penalty.

6. (*1*) Whoever contravenes the provisions of this Act shall be punished with imprisonment for a term which may extend to six months and with fine which may extend to one lakh rupees.

(*2*) Where an offence under this Act has been committed by a company, the licence of such company shall be cancelled forthwith.

Explanation.—For the purpose of sub-section (*2*), "company", means any body corporate, and includes a firm or other association of individuals.

Power to make rules.

7. (*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which

may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Prices of drugs and medicines are on the increase. The prices are increased arbitrarily by manufacturers and traders. People, especially poor people are affected by the exorbitant cost of drugs. They are not able to afford the medicines. At present there is no check on the prices of drugs. Medical practitioners with the lure of money and costly gifts from manufacturers generally prescribe costly medicines which common man cannot afford. They should instead prescribe generic drugs.

The Bill seeks to constitute a Committee to—

(i) fix the prices of drugs;

(ii) promote the use of generic drugs; and

(iii) determine the standard of drugs.

The Bill seeks to achieve the above objectives.

NEW DELHI;
November 12, 2014

M.K. RAGHAVAN

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FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for constitution of a Committee to be known as the Drugs (Price Control) Committee to fix the prices of drugs. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees one hundred crore per annum.

A non-recurring expenditure of about rupees fifty crore is also likely to be involved.

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MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative powers is of a normal character.

BILL NO. 165 OF 2014

A Bill to provide for a comprehensive health insurance scheme for all citizens of the country and for matters connected therewith.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Health Insurance Scheme Act, 2014.

(*2*) It extends to the whole of India.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "appropriate Government" means in case of a State, the Government of that State and in all other cases, the Central Government;

(*b*) "beneficiary" means every citizen who has been issued health insurance card under section 4;

(*c*) "person living below poverty line" includes a person whose income from all sources does not exceed rupees ten thousands per month;

(*d*) "prescribed" means prescribed by rules made under the Act; and

(*e*) "scheme" means Health Insurance Scheme framed under this Act.

Formulation and implementation of comprehensive Health Insurance Scheme.

3. The Central Government shall formulate and implement a Comprehensive Health Insurance Scheme for all citizens.

Health Insurance Card to be issued to all the citizens.

4. (*1*) The Central Government shall designate an Agency for issuing Health Insurance Cards to all the citizens.

(*2*) Every citizen shall be issued a Health Insurance Card by the designated Agency.

(*3*) The card issued under sub-section (*1*) shall contain such particulars of the beneficiary as may be prescribed.

Premium for Health Insurance.

5. Every beneficiary, other than persons living below poverty line, shall be required to pay such amount of premium towards Health Insurance as may be determined by the Central Government from time to time.

Provision of free health facilities.

6. (*1*) Every beneficiary shall be entitled to health facilities free of cost from all hospitals, including privately owned hospitals as may be specified by the appropriate Government from time to time.

(*2*) The free health facilities shall include:—

(*i*) consultation;

(*ii*) outpatient treatment;

(*iii*) diagnostic and laboratory services;

(*iv*) indoor treatment; and

(*v*) medicines.

(*3*) No beneficiary shall be charged any amount for any health facility mentioned in sub-section (*2*) availed of by him in any hospital including privately owned hospitals specified under sub-section (*1*) by the appropriate Government.

(*4*) If any beneficiary intends to avail extra facilities at hospital which are not covered under sub-section (*2*), he shall be required to pay for availing of such facilities.

Agreement with Nationalized Insurance Companies and private hospitals.

7. (*1*) The Central Government shall enter into an agreement with all nationalized Insurance Companies for implementation of the provisions of this Act.

(*2*) The nationalized Insurance Companies shall enter into agreement with privately owned hospitals to provide health services to the beneficiaries covered under the Health Insurance Scheme.

(*3*) The nationalized Insurance Companies shall make payment to privately owned hospitals for providing health services to the beneficiaries covered under Health Insurance Scheme at such rates as may be agreed upon by both the parties.

Release of funds.

8. The Central Government shall, by due appropriation made by Parliament by law in this behalf, provide in each financial year such sums of money to the State Governments and nationalized Insurance Companies as it thinks necessary for implementation of the provisions of this Act.

Surrender of Health Card.

9. If any beneficiary intends to surrender his Health Insurance Card issued under section 4, he shall inform in writing to such Authority as may be designated for the purpose by the appropriate Government.

Inspection of hospitals.

10. (*1*) Any nationalized Insurance Company which has entered into an agreement with private hospital under section 7, may either itself or through an agency designated in that behalf inspect privately owned hospitals from time to time to ensure that provisions of this Act are complied with.

(*2*) If any private hospital does not comply with the provisions of this Act, the hospital shall be liable to pay such compensation as may be prescribed in the agreement under section 7.

Power to make rules.

11. (*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) Every rule under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Proper healthcare facilities at reasonable cost is not available to the majority of citizens in our country. Poor people are not in a position to afford hefty cost of treatment particularly at private hospitals. With scarce resources, the State Governments are also not able to provide healthcare facilities free of cost or at reasonable cost to all the citizens. The cost of medical treatment including medicines is not within the reach of common man. For treatment of critical illness, a lot of money is required. Poor people are left to die for want of money to meet their medical expenditure every year. Therefore, it is proposed to provide free health-care facilities for all diseases to all citizens. Since Government hospitals are not adequately equipped to provide healthcare facilities to all the citizens, private hospitals are also proposed to be roped in to provide healthcare facilities to them.

Citizens who opt to meet the expenditure of medical treatment from their own resources may be excluded from the purview of the Act, if they make such a request to the designated Agency of appropriate Government under this Act.

The Bill seeks to achieve the above objectives.

NEW DELHI;
November 12, 2014

M. K. RAGHAVAN

———

FINANCIAL MEMORANDUM

Clause 3 provides for formulation and implementation of a Comprehensive Health Insurance Scheme by the Central Government. Clause 4 provides for Health Insurance Card to be issued to all the citizens. Clause 6 provides for certain health facilities free of cost. Clause 8 provides for supply of funds to the State Governments and Nationalised Insurance Companies by the Central Government. The Bill, therefore if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure to the tune of rupees fifty thousand crore is likely to be involved.

A non-recurring expenditure of about rupees fifty thousand crore is also likely to be involved.

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MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 124 OF 2014

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 2014.

Amendment of article 316.

2. In article 316 of the Constitution, in clause (*2*), for the words ", in the case of the Union Commission, the age of sixty-five years, and in the case of a State Commission or a Joint Commission, the age of sixty-two years", the words "the age of sixty-five years" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

As per the provisions of Constitution, the age of retirement of members of State Public Service Commission is sixty-two years. But in case of members of Union Public Service Commission, the retirement age is sixty-five years. There is no logic in prescribing different yardstick when they perform the same functions. Therefore, it is proposed to rectify the anomaly by providing that retirement age of members of a State Public Service Commission shall also be at par with members of the Union Public Service Commission.

Hence this Bill.

NEW DELHI;
November 12, 2014

M.K. RAGHAVAN

BILL NO. 181 OF 2014

A Bill to provide for the establishment of a University at Kurichy in Kottayam district in the State of Kerala for the development of Homeopathy and for the furtherance of the advancement of learning and pursuit of research in Homeopathy.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

Short title

1. (*1*) This Act may be called the Central Homeopathy University Act, 2014.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "Academic Council" means the Academic Council of the University;

(*b*) "Board" means the Board of Management of the University;

(*c*) "Board of Studies" means the Board of Studies of the University;

(*d*) "Chancellor" means the Chancellor of the University;

(*e*) "Faculty" means Faculty of the University;

(*f*) "University" means the Central Homeopathy University established under this Act;

(*g*) "Vice-Chancellor" means the Vice-Chancellor of the University;

(*h*) "Visitor" means the Visitor of the University; and

Establishment of Central Homeopathy University.

3. (*1*) There shall be established a University by the name of the Central Homeopathy University.

(*2*) The headquarter of the University shall be at Kurichy in Kottayam district in the State of Kerala and it may also establish campuses at such other places within its jurisdiction as it may deem fit.

(*3*) The University shall have perpetual succession and a common seal and shall use and sued by the said name.

Objects of the University.

4. The objects of the University shall be—

(*a*) to impart education in homeopathy;

(*b*) to further the advancement of learning and conducting of research in homeopathy;

(*c*) to promote partnership and linkages with national and international educational institutions; and

(*d*) to undertake such other activities as it may, from time to time, determine.

Powers of the University.

5. The University shall have the following powers, namely:—

(*i*) to make provisions for instructions in Homeopathy;

(*ii*) to make provisions for conduct of research in Homeopathy;

(*iii*) to make provisions for dissemination of the findings of research and technical information through extension programmes;

(*iv*) to grant, subject to such conditions as it may determine, diplomas or certificates to, and confer degrees or other academic distinctions on the basis of examination, evaluation or any other method of testing, on persons, and to withdraw any such diplomas, certificates, degrees or other academic distinction for good and sufficient cause;

(*v*) to co-operate or collaborate or associate with any other University or authority or institution of higher learning in such manner and for such purpose as the University may determine;

(*vi*) to establish and maintain colleges relating to Homeopathy;

(*vii*) to establish and maintain such campuses, special centres, specialized laboratories, libraries, museums or other units for research and institution as are, in its opinion, necessary for the furtherance of its objects;

(*viii*) to create teaching, research and extension education posts and to make appointments thereto;

(*ix*) to create administrative, ministerial and other posts and to make appointments thereto;

(*x*) to institute and award fellowships, scholarships, studentships, medals and prizes;

(*xi*) to determine standards of admission to the University which may include examination, evaluation or any other method of testing;

(*xii*) to provide and maintain residential accommodation for students and employees;

(*xiii*) to supervise the residential accommodation of the students and employees of the University and to make arrangements for promoting their health and general welfare;

(*xiv*) to lay down conditions of service of all categories of employees, including their code of conduct;

(*xv*) to regulate and enforce discipline among the students and the employees and to take such disciplinary measures in this regard as it may deem necessary;

(*xvi*) to fix, demand and receive such fees and other charges as may be prescribed;

(*xvii*) to borrow, with the approval of the Central Government on the security of its property, money for the purpose of the University;

(*xviii*) to receive benefactions, donations and gifts and to acquire, hold, manage and dispose of any property, movable or immovable including trust and endowment properties, for its purposes; and

(*xix*) to do all such other acts and things as may be necessary, incidental or conducive to the attainment of all or any of its objects.

Jurisdiction.

6. (*1*) The jurisdiction and responsibility of the University with respect to teaching, research and programmes of extension education at the University level, in the field of Homeopathy, shall extend to whole country.

(*2*) All colleges, research and experimental stations or other institutions to be established under the authority of the University shall come in as constituent units under the full management and control of the officers and authorities and no such units shall be recognised as affiliated units.

University open to all classes, castes and creed.

7. The University shall be open to persons of either sex and of whatever caste, creed, race or class, and it shall not be lawful for the University to adopt or impose on any person, any test whatsoever of religious belief or profession in order to entitle him to be appointed as a teacher of the University or to hold any other office therein or be admitted as a student in the University or to graduate there at or to enjoy or exercise any privilege thereof:

Provided that nothing in this section shall be deemed to prevent the University from making special provisions for the employment or admission of women, persons with disabilities or of persons belonging to the weaker sections of the society and, in particular, of the Scheduled Castes, the Scheduled Tribes and the other socially and educationally backward classes of citizens.

The Visitor.

8. (*1*) The President of India shall be the Visitor of the University.

(*2*) The Visitor shall have the right to cause an inspection to be made, by such person or persons as he may direct, of the University, its buildings, laboratories, libraries, museums, workshops and equipments, and of any institution or college and also of the examination, instruction and other work conducted or done by the University, and to cause an inquiry to

be made in like manner in respect of any matter connected with the administration and finances of the University.

(*3*) The Visitor shall, in every case, give notice to the University of his intention to cause an inspection or inquiry to be made and the University shall, on receipt of such notice, have the right to make, within thirty days from the date of receipt of the notice or such other period as the Visitor may determine, such representations to him as it may consider necessary.

(*4*) After considering the representations, if any, made by the University, the Visitor may cause to be made such inspection or inquiry as is referred to in sub-section (*2*).

(*5*) Where an inspection or inquiry has been caused to be made by the Visitor, the University shall be entitled to appoint a representative who shall have the right to appear in person and to be heard on such inspection or inquiry.

(*6*) The Visitor shall have such other powers as may be prescribed.

Officers of the University.

9. The following shall be the officers of the University, namely:—

(*1*) the Chancellor;

(*2*) the Vice-Chancellor;

(*3*) the Deans;

(*4*) the Directors;

(*5*) the Registrar;

(*6*) the Comptroller;

(*7*) the University Librarian; and

(*8*) such other officers as may be prescribed by the Statutes.

The Chancellor.

10. (*1*) The Chancellor shall be appointed by the Visitor in such manner as may be prescribed.

(*2*) The Chancellor shall, by virtue of his office, be the Head of the University.

(*3*) The Chancellor shall, if present, preside at the convocations of the University held for conferring degrees.

The Vice-Chancellor.

11. (*1*) The Vice-Chancellor shall be appointed by the Visitor in such manner as may be prescribed.

(*2*) The Vice-Chancellor shall be the principal executive and academic officer of the University and shall exercise general supervision and control over the affairs of the University and give effect to the decisions of all the authorities of the University.

(*3*) The Vice-Chancellor may, if he is of the opinion that immediate action is necessary on any matter, exercise any power conferred on any authority of the University by or under this Act and shall report to such authority the action taken by him on such matter:

Provided that if the authority concerned is of opinion that such action ought not to have been taken, it may refer the matter to the Visitor whose decision thereon shall be final:

Provided further that any person in the service of the University who is aggrieved by the action taken by the Vice-Chancellor under this sub-section shall have the right to appeal against such action to the Board within three months from the date on which decision on such action is communicated to him and thereupon the Board may confirm, modify or reverse the action taken by the Vice-Chancellor.

(*4*) The Vice-Chancellor, if he is of the opinion that any decision of any authority of the University is beyond the powers of the authority conferred by the provisions of this Act or that any decision taken is not in the interest of the University, may ask the authority concerned to review its decision within sixty days of such decision and if the authority refuses to review

the decision either in whole or in part or no decision is taken by it within the said period of sixty days, the matter shall be referred to the Visitor whose decision thereon shall be final.

(*5*) The Vice-Chancellor shall exercise such other powers and perform such other duties has may be prescribed.

Deans and Directors.

12. Every Dean and every Director shall be appointed in such manner and shall exercise such powers and perform such duties as may be prescribed.

The Registrar.

13. (*1*) The Registrar shall be appointed in such manner as may be prescribed.

(*2*) The Registrar shall have the power to enter into agreements, sign documents and authenticate records on behalf of the University and shall exercise such powers and perform such duties as may be prescribed.

The Comptroller.

14. The Comptroller shall be appointed in such manner and shall exercise such powers and perform such duties as may be prescribed by the Statutes.

Other officers.

15. The manner of appointment and powers and duties of the other officers of the University shall be such as may be prescribed.

Authorities of the University.

16. The following shall be the authorities of the University, namely:—

(*1*) the Board of Management;

(*2*) the Academic Council;

(*3*) the Research Council;

(*4*) the Extension Education Council;

(*5*) the Finance Committee;

(*6*) the Faculties and Board of Studies; and

(*7*) such other authorities as may be prescribed by the Statutes.

Application of the Central Universities Act, 2009.

25 of 2009.

17. The provisions of the Central Universities Act, 2009 shall, with such exceptions, adoptions and modifications, as may be considered necessary, apply to the Central Homoeopathy University Act, 2014.

Power to remove difficulties.

18. (*1*) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulties:

Provided that no such order shall be made under this section after the expiry of three years from the commencement of this Act.

(*2*) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

Power to make rules.

19. (*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Homoeopathy is an important system of Indian medicine. Homoeopathy system of medicine is safe and has no side effects. It is prevalently used in Germany with very good response. In India also, Homoeopathy is popular and its medicines are being used for treatment of illness by a large number of persons. But the system has not been given the prominence it deserves. This system of medicine needs to be popularized and promoted for the welfare of the people of the country.

Therefore, the Bill seeks to provide for the establishment of a University at Kurichy in Kottayam district in the State of Kerala for the development of Homoeopathy and for the furtherance of the advancement of learning and pursuit of research in Homoeopathy.

Hence this Bill.

NEW DELHI;
November 12, 2014

KODIKUNNIL SURESH

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FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of the Central Homoeopathy University in the State of Kerala with headquarter at Kurichy. Clause 9 provides for appointment of Officers of the University. Clause 16 provides for certain authorities of the University. The Bill, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of rupees two hundred crore would be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees five hundred crore is also likely to be involved.

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MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 19 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 148 OF 2014

A Bill to provide for certain basic facilities to the persons belonging to the Scheduled Castes living in hamlets and for matters connected therewith

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Scheduled Castes Hamlets (Provision of Basic Facilities) Act, 2014.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definition.

2. In this Act, unless the context otherwise requires, "hamlet" means a small village or a cluster of houses inhabited by the persons belonging to the Scheduled Castes.

Identification of hamlets inhabited by persons belonging to Scheduled Castes.

3. (*1*) The Central Government shall, within a period of one year from the date of coming into force of the Scheduled Castes Hamlets (Provision of Basic Facilities) Act, 2014, identify the hamlets inhabited by the persons belonging to the Scheduled Castes.

(*2*) For the purpose of identifying hamlets under sub-section (1), the Central Government shall use such methods as it may deem fit.

Funds to the State Governments for providing certain basic facilities.

4. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds to the State Governments for the purposes of providing the following basic facilities free of cost to the persons belonging to the Scheduled Castes and living in hamlets identified under section 3, namely:—

(i) potable water;

(*ii*) electricity;

(*iii*) sewage facilities;

(*iv*) toilet facilities;

(*v*) road connectivity;

(*vi*) primary health centres;

(*vii*) parks;

(*viii*) crematorium; and

(*ix*) pucca dwelling units.

Act not to be in derogation of any other law.

5. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Power to make rules.

6. (*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The persons belonging to the Scheduled Castes have been, for centuries, the most neglected, marginalized and exploited. After independence, the polity of our nation has realized the importance of development of weaker sections specially the Scheduled Castes. Consequently, planned efforts have been made for their upliftment by the successive Governments. However, the benefits of affirmative action by the successive Governments for the welfare of persons belonging to the Scheduled Castes have reached only to a small section of these persons in the last sixty-six years. Majority of persons of these castes are facing a lot of problems due to poor living conditions in the hamlets where they live in. They do not have access to the basic necessities of life like potable water, sanitation, *pucca* houses, electricity etc., and are, therefore, unable to live a dignified life.

Therefore, it is proposed that all hamlets inhabited by the persons belonging to the Scheduled Castes should be provided with all basic facilities to improve their standard of living.

Hence this Bill.

NEW DELHI; KODIKUNNIL SURESH
November 12, 2014

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FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for identification of hamlets inhabited by the persons belonging to the Scheduled Castes. Clause 4 provides that the Central Government shall provide adequate funds to the State Governments for providing certain basic facilities to the persons belonging to the Scheduled Castes and living in hamlets. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees five thousand crore would be involved as recurring expenditure per annum.

A sum of rupees ten thousand crore would be involved as a non-recurring expenditure.

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MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 163 OF 2014

A Bill to provide for certain welfare measures for commercial crop workers and for matters connected therewith.

BE it enacted by Parliament in the Sixty-fifth year of the Republic of India as follows:—

Short title and extent.

1. (*1*) This Act may be called the Commercial Crop Workers (Welfare) Act, 2014.

(*2*) It extends to the whole of India.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*i*) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(*ii*) "commercial crop" includes rubber, coffee, tea, cashew, spices, cardamom and such other crops as the Central Government may notify under section 4;

(*iii*) "prescribed" means prescribed by rules made under the Act; and

(*iv*) "commercial crop worker" means any person engaged in any work relating to commercial crop including its cultivation and harvesting and who receives wages, either in cash or in kind or partly in cash and partly in kind, for that work.

Facilities to workers.

3. The appropriate Government shall provide the following facilities to the commercial crop workers:—

(*i*) dwelling units of reasonable area at subsidized cost;

(*ii*) water, electricity connection and such other basic amenities, as may be prescribed, at subsidized rates;

(*iii*) old age pension after completing sixty years of age at the rate of rupees three thousand per month;

(*iv*) disability allowance at the rate of rupees three thousand per month in case a worker becomes incapacitated during the work;

(*v*) free healthcare facilities to workers and their families;

(*vi*) free educational facilities to the children of the workers upto twelfth standard; and

(*vii*) free life insurance cover of rupees one lakh to cover cases of death or permanent physical disability of workers.

Central Government to notify a commercial crop.

4. The Central Government may, in consultation with concerned State Government, notify a crop as a commercial crop in that State for the purposes of this Act.

Central Government to provide funds.

5. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds to the State Governments for carrying out the purposes of this Act.

Provisions of the Act to be in addition to other laws.

6. The provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force.

Power to make rules.

7. (*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

A large number of workers engaged in commercial crops sector toil hard for long hours for abundant growth of commercial crops. However, their living conditions are miserable and there is no scheme for their welfare. It is, therefore, essential that steps are taken for improvement of their living conditions by enacting an appropriate law aimed at their overall welfare.

It is, accordingly, proposed to provide certain basic facilities to commercial crops workers.

Hence this Bill.

NEW DELHI;
November 12, 2014

KODIKUNNIL SURESH

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the appropriate Government shall provide certain facilities to the commercial crop workers. Clause 5 provides for payment of adequate funds to the States for carrying out the purposes of the Act. While some of the expenditure shall be borne out of the Consolidated Funds of the respective States, the Central Government shall also provide adequate funds to the States for the purposes of this Bill. Moreover, the expenditure in respect of Union territories shall be borne out of the Consolidated Fund of India. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees five hundred crore will be involved as recurring expenditure per annum from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one thousand crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 131 OF 2014

A Bill to provide for the establishment of a permanent Bench of the High Court at Patna at Siwan.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the High Court at Patna (Establishment of a Permanent Bench at Siwan) Act, 2014.

Establishment of a permanent Bench of High Court at Patna at Siwan

2. There shall be established a permanent Bench of the High Court at Patna at Siwan and such Judges of the High Court at Patna, being not less than five in number, as the Chief Justice of that High Court may from time to time nominate, shall sit at Siwan in order to exercise the jurisdiction and power for the time being vested in that High Court in respect of cases arising in the districts of Siwan, Saran, Gopalganj, East Champaran, West Champaran, Sitamarhi, Muzaffarpur and Shivhar.

STATEMENT OF OBJECTS AND REASONS

The demand for the establishment of a permanent Bench of the Patna High Court in the Northern Bihar is pending for a long time. There has been a long pending demand for establishment of a Bench at Siwan but the said Bench has not yet been established. The Patna High Court is heavily burdened and lakhs of cases are pending in that High Court. The infrastructure available at Patna High Court is inadequate to dispose of such large number of cases. The delay in disposal of cases is resulting in hardship for the people living particularly in North-western part of the State. People of North-western Bihar have to suffer on account of travelling long distance and incurring expenditure for attending their pending cases in the High Court at Patna.

The Bill, therefore, seeks to establish a permanent Bench of High Court at Patna at Siwan. A permanent Bench of the High Court, if established at Siwan, would go a long way in providing much needed relief to those who are not in position to bear the burden of expenditure on account of travelling to attend the hearings of their cases at the High Court at Patna.

Hence this Bill.

NEW DELHI;
November 3, 2014

OM PRAKASH YADAV

BILL NO. 128 OF 2014

A Bill to provide for old age pension to small and marginal farmers and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Farmers (Old Age Pension) Act, 2014.

(*2*) It extends to the whole of India except the State of Jammu and Kashmir.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*i*) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(*ii*) "farmer" means a person possessing agricultural land measuring not more than five acres and has no income from any source other than agriculture;

(*iii*) "Fund" means the Farmers' Old Age Pension Fund constituted under section 3; and

(*iv*) "prescribed" means prescribed by rules made under this Act.

Constitution of the Farmers' Old Age Pension Fund.

3. (*1*) The Central Government shall constitute a Fund to be known as the Farmers' Old Age Pension Fund for the purpose of payment of old age pension to farmers.

(*2*) The Central Government and the State Governments shall contribute to the Fund in such ratio as may be prescribed.

Maintenance of register of farmers.

4. (*1*) The appropriate Government shall within six months from the commencement of this Act, provide for maintenance of a register of farmers in every district with such details in such manner as may be prescribed.

(*2*) The appropriate Government shall forward the details of farmers registered under sub-section (*1*) to the Central Government from time to time.

Release of funds to the appropriate Government.

5. The Central Government shall release monies out of the fund to the appropriate Government on the basis of information received under section 4.

Entitlement of pension.

6. (*1*) Every farmer who has attained the age of sixty years and registered with appropriate Government shall be entitled to a monthly old age pension which shall be equivalent to thirty times the daily wages prevalent in the State in which the farmer resides.

(*2*) The Old age pension shall be paid to farmers through nationalized banks.

Directions to the State Governments.

7. The Central Government may give such directions to the State Governments as it may think necessary for the purposes of this Act.

Powers to make rules.

8. (*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

(*2*) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Agriculture is the mainstay of the livelihood of our rural population and it contributes immensely towards the growth of our national economy. But the living conditions of majority of small and marginal farmers have not improved over the years. They live in abject poverty. When they attain old age, their sufferings increase as they are not in a position to do any work. The large chunk of these farmers own only a few acres of land and since the yield depends upon vagaries of weather, they always live hand to mouth. Therefore, it is necessary to provide some social security in the form of old age pension to the farmers.

Hence this Bill.

NEW DELHI;
November 3, 2014

OM PRAKASH YADAV

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for constitution of a Fund to be known as the Farmers' Old Age Pension Fund to pay old age pension to the small and marginal farmers to which the Central Government and the State Governments shall contribute in such ratio as may be prescribed. Clause 5 provides that the Central Government shall release monies out of the Fund to the State Governments for payment of old age pension to farmers. Clause 6 provides for monthly old age pension to every farmer who has attained the age of sixty years. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India.

It is likely to involve a recurring expenditure of about rupees two thousand crores per annum.

A non-recurring expenditure of about rupees one hundred crore is also likely to be incurred.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 130 OF 2014

A Bill to provide for the setting up of a National Flood Control Board to suggest measures to control floods and for matters connected therewith

WHEREAS entry 56 of List I—Union List of the Seventh Schedule to the Constitution provides for regulation and development of Inter-State rivers and river valleys to the extent to which such regulation and development under the control of the Union is declared by Parliament by law to be expedient in the public interest;

And WHEREAS a lot of havoc is caused by floods every year in almost all parts of the country;

And WHEREAS it is expedient in the public interest to take effective measures for flood control.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Flood Control Act, 2014.

Setting up of a National Flood Control Board.

2. *(1)* The Central Government shall set up a Board to be known as the National Flood Control Board (hereinafter referred to as the Board).

(2) The head office of the Board shall be at New Delhi.

Composition of the Board.

3. *(1)* The Board shall consist of—

(a) A Chairperson, who shall be an expert dealing with flood control, to be appointed by the Central Government;

(b) one representative each from every State Government and Union territory, who shall be expert on flood control measures, to be nominated by the Central Government in such manner as may be prescribed.

(2) The salary and allowance payable to and other terms and conditions of service of the Chairperson and other members of the Board shall be such as may be prescribed.

Provision of officers and staff for the Board.

4. The Central Government shall make available to the Board such number of officers and staff as may be required for efficient functioning of the Board.

Functions of the Board.

5. The Board shall—

(a) identify the areas which are prone to floods;

(b) suggest measures for flood control;

(c) prepare a time bound plan for inter-linking of rivers which are prone to floods with the ones which are not so;

(d) suggest measures for the development of land in areas which are prone to floods;

(e) deploy flood forecasting system in such areas which are prone to floods and warn the inhabitants in those areas to move out to safer places in case floods are forecast in an area;

(f) advise the State Governments as to preventive and rehabilitation measures during floods; and

(g) advise the State Governments for proper storage of rain water and construction of dams.

Cost to be borne by Central and State Governments.

6. The cost of taking up of the flood control measures as suggested by the Board shall be borne by the Central Government and the State Governments in such ratio, as may be determined by the Board.

Recommendations to the Government.

7. *(1)* The Board shall make recommendations to the Central Government as to flood control measures.

(2) It shall be the duty of the Central Government to implement the recommendations of the Board:

Provided that where it is felt necessary that any recommendation cannot be implemented due to any reason, the Central Government may, to be recorded in writing, inform the Board accordingly.

Annual Report.

8. The Board shall prepare every year, in such form as may be prescribed, an annual report giving a true and full account of its activities during the previous year and copies thereof shall be forwarded to the Central Government and the Central Government shall cause the same to be laid before each House of Parliament.

Power to make rules.

9. *(1)* The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

India is the land of many great rivers. Floods occur in almost all river basins of the country. The water resources of the country are not being fully utilized. Every year there are floods which cause immense loss of life and property. Whereas in some parts of the country there are floods, there is drought in other parts. The national resources are damaged by floods. This problem needs to be addressed urgently to mitigate the effects of floods.

Therefore, it is expedient in the public interest to evolve an integrated and scientific approach to the flood control problems and to draw out a national plan fixing priorities for implementation in the future.

The Bill seeks to provide for the setting up of a National Flood Control Board to suggest measures to prevent and control floods in the country.

Hence this Bill.

NEW DELHI;
November 3, 2014

OM PRAKASH YADAV

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for setting up of a National Flood Control Board. Clause 3 provides for the composition of the Board. It further provides for salary and allowances of Chairperson and Members. Clause 4 provides that the Central Government shall provide officers and staff to the Board. Clause 6 provides that the expenditure on flood control measures suggested by the Board shall be borne by the Central Government and State Governments. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees one hundred crore per annum.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill gives power to the Central Government to frame rules for carrying out the purposes of the Bill.

The rules will relate to matters of detail only and as such the delegation of legislative power is of a normal character.

BILL NO. 174 OF 2014

A Bill to enshrine in law a covenant prescribing a commitment between the people of India and the Armed Forces Community serving as well as retired and their immediate families pledging a duty of care and improving support towards them in return for their bravery and sacrifices made for protecting the nation and to ensure that they face no disadvantage compared to other citizens in the provision of public and commercial services and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

Short title, extent, application and commencement.

1. (*1*) This Act may be called the Armed Forces Covenant Act, 2014.

(*2*) It extends to the whole of India.

(*3*) Save as otherwise provided in this Act, it shall apply to—

(*a*) serving members of Indian Armed Forces and their immediate families; and

(*b*) retired members of Indian Armed Forces and their immediate families, wherever they may be.

(*4*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "Advisory Committee" means the Advisory Committee constituted under section 4 to advise the Union Ministry of Defence on matters relating to pension and compensation;

(*b*) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(*c*) "Armed Forces Community" means the serving and retired personnel of the military, naval and air forces as well as any other armed forces of the Union and includes their immediate families;

(*d*) "immediate family" means spouse, children and parents; and

(*e*) "prescribed" means prescribed by rules made under this Act.

Armed Forces Covenant.

3. (*1*) Notwithstanding anything contained in any other law for the time being in force, there shall be Armed Forces Covenant pledging a commitment to care for members of Armed Forces Community in return for their commitment, bravery and sacrifices made for protecting the country at borders and fighting enemies within and extending services during natural and other disasters.

(*2*) Without prejudice to the generality of the provisions of sub-section (*1*), the Covenant may provide for the Armed Forces Community and their families—

(*a*) adequate and state-of-the-art healthcare services in military hospitals, Armed Forces medical clinics, including Ex-Servicemen Contributory Health Scheme, recognized private hospitals and nursing homes and hospitals, dispensaries and medical centres run by appropriate Government;

(*b*) appropriate training and education to serving personnel for personal and professional development including opportunities to acquire nationally recognized civilian qualifications/skills in order to support them through their service career and to prepare them for life after leaving the service;

(*c*) educational facilities including facilities of higher education, medical and technical education and vocational education to their dependent children;

(*d*) affordable and suitably located appropriate accommodation by launching special housing schemes for them and by providing priority to them in housing schemes already launched by the appropriate Government;

(*e*) adequate support and compensation in consonance with rise in prices, to those injured in operations or during training;

(*f*) comprehensive system of payment of compensation and maintenance throughout life for disabled service personnel and bereaved families;

(*g*) comprehensive scheme for widow's pension;

(*h*) monthly index linked guaranteed income payment for life upon discharge to more seriously injured;

(*i*) sufficient time limit for claiming compensation under this Act and provision for extending the time limit in genuine cases like illness;

(*j*) mental health support for those who may have suffered psychological injury as a result of their service or in cases wherever required;

(*k*) free legal aid wherever required;

(*l*) reservation in civilian jobs;

(*m*) attractive pay and perks to draw in the best talents in the Armed Forces;

(*n*) one rank, one pension scheme; and

(*o*) such other measures as may be deemed necessary in consultation with the three services, for welfare and rehabilitation of personnel and immediate family members of Armed Forces Community.

Constitution of an Advisory Committee.

4. (*1*) The Central Government shall, as soon as possible, by notification in the Official Gazette, constitute an Advisory Committee headed by the Chairman Chiefs of Staff Committee and comprising one representative, of the rank of Adjutant-General or equivalent, from Army, Navy and Air Force, two representatives of the Union Ministry of Defence, not less than four representatives of organizations of ex-service personnel and one representative each from the Union Ministries of Finance and Law and Justice to be appointed by the Central Government in such manner as may be prescribed.

(*2*) It shall be the duty of the Advisory Committee to advise the Central Government on matters relating to pay, perks, pension and compensation to be given to personnel of the Armed Forces Community.

Setting up of the Armed Forces Grievances Redressal Commission.

5. (*1*) The Central Government shall, as soon as may be, but not later than six months from the commencement of this Act, by notification in the Official Gazette, set up a Commission to be known as the Armed Forces Grievances Redressal Commission for carrying out the functions assigned under this Act.

(*2*) The Commission shall consist of,—

(*a*) a Chairperson who shall be a retired Judge of the Supreme Court or a Chief Justice of a High Court, to be appointed by the Central Government in consultation with the Chief Justice of India;

(*b*) the Chairman Chiefs of Staff Committee and the other two service chiefs and the Secretary of the Union Ministry of Defence as members; and

(*c*) the Secretary and one Additional Secretary of the Department of Legal Affairs of the Union Ministry of Law and Justice as members.

(*3*) The secretarial assistance to the Commission shall be provided by the Union Ministry of Defence.

(*4*) The Commission, in discharging its functions, shall follow such procedure as may be prescribed.

(*5*) The functions of the Commission shall include—

(*a*) enquire into grievances submitted to it by serving or retired personnel of the Armed Forces Community;

(*b*) framing of schemes for proper rehabilitation of Armed Forces personnel who are discharged at young age;

(*c*) recommending changes in or omission of such rules and regulations which in the opinion of the Commission are defective or inadequate; and

(*d*) such other issues as may be referred to it by the Central Government or taken *suo motu* by the Commission as are necessary and expedient for carrying out the purpose of this Act.

Armed Forces Covenant Report.

6. (*1*) The Central Government shall in each calendar year cause to prepare an Armed Forces Covenant Report and lay a copy thereof before each House of Parliament.

(*2*) An Armed Forces Covenant Report shall be a report about the effects that the demands of service may have on the Armed Forces Community and the initiatives taken to provide them various facilities like healthcare, education and housing.

(*3*) In preparing an Armed Forces Covenant Report, the Central Government shall have regard in particular to—

(*a*) the unique obligations of, and sacrifices made by the Armed Forces;

(*b*) the principle that it is desirable to remove disadvantages arising for the Armed Forces personnel from being or having been in service; and

(*c*) the principle that special provisions for Armed Forces Community may be justified by the effects of the demands of service on the Armed Forces Community.

(*4*) An Armed Forces Covenant Report shall also state whether any effects covered in the Report are to the disadvantage of Armed Forces Community to a disadvantage.

(*5*) Where the Report forms an opinion that the Armed Forces Community is at a disadvantage, the Report shall also set out the response thereto of the Central Government.

(*6*) With regard to effects covered by an Armed Forces Covenant Report, where the Central Government considers that making of special provisions for the Armed Forces Community would be justified, the Report shall also contain a reference to that fact.

Central Government to provide funds.

7. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds for carrying out the purposes of this Act.

Act to have overriding effect.

8. The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or any instrument having effect by virtue of any such law.

Act not in derogation of other laws.

9. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being applicable to the Armed Forces Community.

Powers to make rules.

10. (*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The Nation's commitment to respect and support its Armed Forces is an unwritten pact between society and the armed forces, and this pact has been reinforced by customs and conventions since time immemorial.

The Armed Forces have always been perceived as a group of brave men who give up all as they have to stay in isolated border posts and guard the integrity of the Nation. They are known for their selfless service to the Nation. Today the Armed Forces are seen as a bulwark of honour and patriotism in our country. Thus, today's society recognizes the Armed Forces and perceive them as part and parcel of the society, a fifth column-always ready to support and shore up civic institutions as and when they need. Even in cases of natural disasters, it is the Armed Forces who step in with much needed aid. Be it 2004 tsunami or the earthquake in Gujarat or floods in Jammu and Kashmir, the Armed Forces have always been in forefront of relief and rescue operations. These activities have given them visibility above and beyond what has been their traditional role, guarding the nation against external threats.

Therefore, the country needs to demonstrate its commitment to the well-being of our brave Armed Forces personnel and their families. It is the duty of Nation to ensure that the Armed Forces personnel and their families have the support they need and are treated fairly and with the dignity and respect that they deserve.

This Bill underlines the country's commitment and its moral obligation towards the Armed Forces and their families. It will also require the Central Government to present an Annual Covenant Report to the Parliament every year on the progress of improvements to the Covenant in key areas including healthcare, housing and education. These measures will provide a regular review of the policies that will make greater support to our Armed Forces and ensure that Parliament can scrutinize this review through an annual report, and that the report itself is widely informed, consultative and transparent.

Hence this Bill.

NEW DELHI;
November 3, 2014

B C KHANDURI

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for a Covenant for the Armed Forces pledging a commitment to care for members of the Armed Forces and their families. Clause 4 provides for the establishment of an Advisory Committee. Clause 5 provides for setting up of the Armed Forces Grievances Redressal Commission. Clause 7 makes it obligatory for the Central Government to provide requisite funds for carrying out the purposes of the Bill. The Bill, therefore, if enacted, is likely to involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees five hundred crore will be involved as recurring expenditure per annum from the Consolidated Fund of India.

A non-recurring expenditure of about rupees five hundred crore is also likely to be involved.

———

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The Rules will relate to matters of detail only. The delegation of legislative power is, therefore, of a normal character.

BILL NO. 133 OF 2014

A Bill to provide for the establishment of a Permanent Bench of the High Court of Jharkhand at Dumka.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the High Court of Jharkhand (Establishment of a Permanent Bench at Dumka) Act, 2014.

Establishment of a Permanent Bench of High Court of Jharkhand at Dumka.

2. There shall be established a Permanent Bench of the High Court of Jharkhand at Dumka and such Judges of the High Court at Jharkhand, being not less than three in number, as the Chief Justice of that High Court may from time to time nominate, shall sit at Dumka in order to exercise the jurisdiction and power for the time being vested in that High Court in respect of cases arising in the districts of Pakur, Dumka, Deoghar, Godda, Sahibganj and Jamtara.

STATEMENT OF OBJECTS AND REASONS

The High Court of Jharkhand is located at Ranchi. Jharkhand, being a vast and hilly State, people face a lot of inconvenience to travel long distances to reach the High Court at Ranchi to pursue their cases. This is not only time consuming but also expensive for litigants specially belonging to poor sections of society.

There has been a long pending demand from the people of the State especially those from Pakur, Dumka, Godda, Sahibganj and Jamtara districts that Bench of the High Court be establish at Dumka being an important city of the State of Jharkhand. It would greatly help the tribal people living in above said districts to pursue their pending cases.

Hence this Bill.

NEW DELHI;
November 3, 2014

NISHIKANT DUBEY

BILL NO. 171 OF 2014

A Bill to provide for the protection of farmers from exploitation by moneylenders, middlemen, unscrupulous traders; increasing farm yield by improving farming practices by modern techniques and allied occupations, extending protective umbrella against natural calamities by taking up of welfare measures to prevent the distressed farmers from committing suicide and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Sixty-fifth year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the The Farmers (Protection, Prevention of Suicides and Welfare) Act, 2014.

(*2*) It extends to the whole of India.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "agricultural produce" include paddy, wheat, coarse cereals, pulses, sugarcane, gram, cotton, oilseeds, vegetables, fruits, jute, coconut, tobacco, areca nuts and such other agricultural produces which may be notified from time to time by the Central Government and also seed as defined in the Seeds Act, 1966; 54 of 1966

(*b*) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(*c*) "bumper crop" means the excess yield of any agricultural produce not commensurate with its cost of production;

(*d*) "farmer" means a person who owns land and cultivates or causes it to be cultivated for agricultural or horticulture purposes and includes small and marginal farmers as identified by the appropriate Government;

(*e*) "Fund" means the National Farmers Natural Calamity and Welfare Fund established under section 3;

(*f*) "natural calamity" includes drought, flood, cyclone, hailstorm, extreme cold and frost, winterkill, tsunami, storm, fire, excessive rains, snow, damages caused by wild life, insect infestation of large scale magnitude, plant diseases and such other natural phenomenon as may be notified from time to time, by the appropriate Government;

(*g*) "old age farmer" means a farmer who has completed sixty years of age; and

(*h*) "prescribed" means prescribed by rules made under this Act.

Constitution of the National Farmers Natural Calamity Welfare Fund.

3. (*1*) The Central Government shall, as soon as may be, but not later than six months from the commencement of this Act, constitute a National Farmers Natural Calamity and Welfare Fund with an initial corpus of rupees fifty thousand crore to be provided by the Central Government, after due appropriation made by Parliament by law in this behalf, for carrying out the purposes of this Act.

(*2*) The Central Government and State Governments shall contribute to the Fund in such proportion as may be prescribed.

(*3*) The fund shall also comprise moneys received from the general public, body corporate and financial institutions, domestic as well as foreign ones, as donations.

(*4*) The fund shall be utilized for,—

(*a*) paying adequate compensation to farmers affected by natural calamity;

(*b*) payment of pension to old age farmers;

(*c*) implementing special assistance package to be formulated by the appropriate Government for the children of farmers, physically challenged or old age farmers and farmers affected by natural calamities;

(*d*) extending educational facilities to the children of farmers and assistance for the marriage of their daughters;

(*e*) making provision for food, drinking water, fodder and other basic necessities of day to day life in natural calamity affected rural areas;

(*f*) timely and adequate supply of quality seeds, manure, fertilizers and insecticides to farmers;

(*g*) paying premiums of crop insurance of such poverty stricken farmers, as the appropriate Government may specify;

(*h*) providing healthcare facilities to the farmers and their families;

(*i*) providing institutional mechanism for efficient marketing and export of farm produce; and

(*j*) such other purposes as the Central Government may deem necessary or expedient for carrying out the purposes of this Act.

(*5*) The Fund shall be administered by the Central Government in such manner as may be prescribed.

Central Government to formulate long-term action plan for the protection and welfare of farmers.

4. (*1*) The Central Government shall, as soon as may be, in consultation with the State Governments, formulate a long-term action plan for the protection and welfare of farmers, with special focus on natural calamity prone areas.

(*2*) In particular and without prejudice to the generality of the foregoing provisions, such action plan shall include,—

(*a*) comprehensive crop and livestock insurance scheme to make up the losses of farmers due to natural calamity;

(*b*) compulsory market intervention in case of bumper crop;

(*c*) writing off loans and interest of the farmers affected by natural calamity;

(*d*) easy credit facility with interest free or nominal rate of interest from the Banks and Financial Institutions;

(*e*) remunerative prices for the agricultural produces;

(*f*) necessary welfare measures as may be deemed necessary to protect the exploited, indebted and poverty stricken farmers of the country;

Protective umbrella for farmers by the appropriate Government.

5. The appropriate Government shall, in order to provide protective umbrella to the distressed, exploited, indebted and poverty stricken farmers, take the following measures—

(*a*) compulsorily monitor the trend of agricultural production so as to have estimate of production, local consumption, purchases by Government agencies, surplus, or any other incidental matter;

(*b*) make affordable transportation arrangements to carry the surplus produce to identified areas where such produce is likely to be consumed and make marketing and yard facilities for such surplus agricultural production;

(*c*) ensure that farmers do not resort to distress sale in order to rein in the unscrupulous traders who exploit the farmers by not purchasing their yield by forming cartel for this purpose;

(*d*) purchase the surplus produce through its agencies by extending compulsory market intervention;

(*e*) fix the remunerative prices of agricultural produce from time to time;

(*f*) compulsory remove the middlemen operating in the wholesale and other markets dealing with agricultural product;

(*g*) study the requirements of farmers for promoting agriculture through agricultural education, research, training through modern Krishi Vigyan Kendras, Kisan Call Centres and agricultural universities;

(*h*) promote agro based industries like food processing, dairying, poultry, rearing of livestock, piggery and bee keeping to enhance farm income;

(*i*) promote cultivation of vegetables, spices, floriculture, pisciculture, sericulture and horticulture;

(*j*) ensure easy institutional loans to remove indebtedness amongst farmers; and

(*k*) extend such other protective measures to farmers as may be prescribed.

Special policy for suicide prone areas.

6. (*1*) Notwithstanding anything contained in any other law for the time being in force, the Central Government shall formulate a special policy for regions of the country having high incidence of suicides by farmers to alleviate the sufferings of the exploited, indebted and poverty stricken farmers of such regions.

(*2*) Without prejudice to the generality of foregoing provisions, the special policy shall include—

(*a*) direction to all the banks, including Cooperative and Regional Rural Banks and other financial institutions which disburse agricultural loans, to secure the interests of affected farmers;

(*b*) waiving of loans or concessions to be given to the farmers by banks and financial institutions in case, the farmers are unable to repay the amount;

(*c*) prohibition on moneylenders in lending money to the farmers;

(*d*) public employment to one of the dependents family member of a farmer who dies during occurrence of a natural calamity;

(*e*) adequate financial assistance to the family of the farmer in case of suicide by farmer; and

(*f*) such other measures, as may be necessary, for carrying out the purposes of this Act.

Central Government to provide funds.

7. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds to the State Governments for carrying out the purposes of this Act.

Power to remove difficulty.

8. (*1*) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for the removal of the difficulty:

Provided that no such order shall be made after expiry of the period of three years from the date on which this Act receives the assent of the President.

(*2*) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

Act to have over-riding effect.

9. The provisions of this Act and the rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or any instrument having effect by virtue of any such law.

Act not to be derogation of any other laws in force.

10. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Power to make rules.

11. (*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) Every rule made under this Act shall be laid as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Ours is predominantly an agrarian country and agriculture is the backbone of our economy as it immensely contributes to Gross Domestic Product (GDP) and generates largest number of employment opportunities. The farmers sustain the country with food security and supply the largest share of raw material to industrial sector. Its export share is also considerable which brings precious foreign exchange in the Country. But, unfortunately, the farmer is the most exploited, heavily indebted and poverty stricken. Many a time, when the debt burden becomes unbearable and farmers, being unable to withstand this burden, end their lives by committing suicide.

The National Farmers Commission has recently highlighted that nearly one lakh fifty thousand farmers have committed suicides in the country since 1990, incidentally a large number of cases of suicides by farmers have taken place in those states where green revolution has been a success story namely Punjab, Maharashtra, Madhya Pradesh, Kerala, Tamil Nadu, Karnataka, Andhra Pradesh, Chhattisgarh, and some other States. In the State of Maharashtra and in particular in the Vidarbha region alone, the figure of farmers who have committed suicides touched one lakh thirty one thousand during 1993-2006 and the trend is still continuing in the State. In fact, hardly any State has undertaken comprehensive enumeration of suicide by farmers. The incidents of suicide of farmers in large number is a blot on our democracy.

Acute poverty and indebtedness is another major factor for farmers for taking the extreme step of committing suicide. According to National Sample Survey Organisation, 48.6 per cent. farmer households are reported to be indebted in the year 2005. The incidence of indebtedness is the highest in the State of Andhra Pradesh, where 82 per cent. farmers are indebted followed by the States of Tamil Nadu, Punjab, Kerala and Maharashtra. In short, nearly 50 to 53 per cent. farmers in many States are facing indebtedness.

In the recent past, two decisions of the Central Government regarding release of package of rupees 25,000 crore to families of farmers who had committed suicide debt waiver scheme of 70,000 crore rupees for farmers show that the seriousness and dimensions of the problem that warrants a census survey of farmers who have committed suicides. Simultaneously, various welfare measures need to be taken by the Government to provide immediate relief to the affected farmers. A National Farmers Natural Calamity Welfare Fund is required to be established for removal of indebtedness and acute poverty among farmers.

The Bill seeks to achieve the above objectives.

NEW DELHI;
November 3, 2014

NISHIKANT DUBEY

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of a National Farmers Natural Calamity and Welfare Fund with initial corpus of fifty thousand crore rupees to be provided by the Central Government. It further provides that the Central Government and the State Governments shall contribute to the Fund in such ratio as may be prescribed. Clause 5 provides for monitoring of trend of production, arrangement of transportation of surplus agricultural production and certain other measures for welfare of farmers. Clause 7 provides that the Central Government shall provide requisite funds to the State Governments for carrying out the purposes of the Act. The Bill, therefore, if enacted will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure to the tune of rupees sixty thousand crore will be incurred per annum.

A non-recurring expenditure of rupees ten thousand crore is also likely to be incurred.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only.

The delegation of legislative power is of normal character.

BILL NO. 172 OF 2014

A Bill further to amend the Indian Penal Code, 1860.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

1. (*1*) This Act may be called the Indian Penal Code (Amendment) Act, 2014. Short title and commencement.

(*2*) It shall come into force at once.

45 of 1860. **2.** Section 353 of the Indian Penal Code, 1860 shall be omitted. Omission of section 353.

STATEMENT OF OBJECTS AND REASONS

Section 353 of Indian Penal Code provides punishment for assault on or use of criminal force against a public servant in order to deter him from discharging his duty. However, actual application of this provision has not been what it was intended for. This section is being mostly used for political vendetta by incumbent Governments.

It often happens that to protest against a decision of the Government or against any incident, political activists use road blockage, dharna or sit-in. In such cases, the Government of that State uses this section as a result of which they are arrested as violation of the provisions of this section is a non-bailable offence. Therefore, there is a need to do away with this section.

Hence this Bill.

NEW DELHI; NISHIKANT DUBEY

November 3, 2014.

BILL NO. 125 OF 2014

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2014. Short title.

2. In the Seventh Schedule to Constitution,— Amendment of the Seventh Schedule.

(*i*) in List II-State list, entry 17 shall be omitted; and

(*ii*) in List III-Concurrent List, after entry 32, the following entry shall be inserted, namely:—

"32A. Water, that is to say, water supplies, irrigation and canals, drainage and embankments, water storage and water power subject to the provisions of entry 56 of list I.".

STATEMENT OF OBJECTS AND REASONS

Life is impossible without water. All living beings including human, animals and plants need water for their survival. Therefore, it is desirable that requisite amount of water is available without any hindrance for drinking and irrigation.

Around ninety-seven per cent. of the water on the Earth is salty water and only three per cent. is fresh water; slightly over two-thirds of this fresh water is frozen in the form of glaciers and polar ice caps. The remaining unfrozen fresh water is found mainly as ground water.

Ground water is a renewable resource, yet the world's supply of ground water is steadily decreasing with the depletion of water table, most prominently in Asia and North America. It is still not clear that how much natural renewal balance of fresh water is available or whether ecosystem will be threatened for want of fresh water in near future. The framework for allocating water resources to water users where such a framework exists is known as water rights.

At present, water is a State subject and is considered as primary responsibility of the State Governments.

The Bill seeks to amend that Seventh Schedule to the Constitution with a view to transfer entry 17 of List II-State List pertaining to 'Water', to List III-Concurrent List so that the Parliament and the Central Government can also play their due role for conservation and sustainable use of water to meet the growing needs of the society.

Hence this Bill.

NEW DELHI;
November 12, 2014.

P. P. CHAUDHARY

BILL NO. 126 OF 2014

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2014. Short title.

2. In the Seventh Schedule to Constitution,— Amendment of the Seventh Schedule.

(*i*) in List II-State list, entry 14 shall be omitted; and

(*ii*) in List III-Concurrent List, after entry 17B, the following entry shall be inserted, namely:—

"17C. Agriculture, including agricultural education and research, protection against pests and prevention of plant diseases.".

STATEMENT OF OBJECTS AND REASONS

Agriculture has got pivotal role in Indian economy. Though the share of agriculture in the national income is declining, it has a substantial share in Gross Domestic Production of the country. Agriculture is the mainstay of livelihood in rural areas. As nearly as 65 per cent. to 70 per cent. of our total population is engaged in agriculture related activities. Agriculture sector can be revitalized by concerted efforts to be made by the State Government as well as the Union Government. However, the role of the Union Government is negligible in the development of agriculture sector for the reason that agriculture has been listed in the State list and is considered as primary responsibility of the State Governments.

The Bill seeks to amend the Seventh Schedule to the Constitution with a view to transfer entry 14 of List II—State List pertaining to 'Agriculture', to List III—Concurrent List so that the Parliament and Central Government can also play their due role for development of agriculture.

Hence this Bill.

NEW DELHI;
November 12, 2014.

P.P. CHAUDHARY

BILL NO. 139 OF 2014

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

Short title.

1. (*1*) This Act may be called the Constitution (Amendment) Act, 2014.

Amendment of the Seventh Schedule.

2. In the Seventh Schedule to Constitution, in List II-State List, after entry 41, the following entry shall be inserted, namely:—

"41A. Services of the institutions of self-government and self-government Service Selection Board.".

STATEMENT OF OBJECTS AND REASONS

Article 40 of the Constitution provides for organization of Village Panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-Government. Keeping in view this Constitutional mandate of the Directive Principles of State Policy, Part IX relating to panchayats was incorporated by 73rd amendment in the Constitution. Artcle 243(d) defines "panchayat" as "an institution (by whatever name called) of self-government constituted under article 243B for rural areas".

State legislatures are competent to endow the Panchayats with such powers and authority as may be necessary to enable them to function as institutions of self-government in relation to the matters enumerated in the Eleventh Schedule to the Constitution. The matters enumerated in entries 17, 18 and 19 of the Eleventh Schedule are "education including primary and secondary schools; technical training and vocational education; and adult and non-formal education", respectively. As per article 246(3), the legislature of any State has exclusive power to make laws with respect to any of the matters enumerated in List II-State List in the Seventh Schedule to the Constitution.

However, in the State List, there is no entry providing for the services of institutions of self-government and constitution of Service Selection Board for conducting recruitment for services of institutions of self-government. Hence, State Legislatures do not have legislative competence with respect to services of institutions of self-government and constitution of Service Selection Board.

In view of the above, it is necessary to empower State legislatures to legislate with respect to the services of the institutions of the self-government.

The Bill, therefore, seeks to amend the Seventh Schedule to the Constitution with a view to insert a new entry 41A in List II-State List of the Seventh Schedule relating to the services of the institutions of self-government and Constitution of the Service Selection Board to conduct examinations/interviews for appointment to services of the institutions of self-government in the States.

Hence this Bill.

P.P. CHAUDHARY

NEW DELHI;
November 12, 2014.

BILL NO. 157 OF 2014

A Bill to provide for fixation of minimum remunerative support prices and insurance of vegetable products and for matters connected therewith.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

Short title and extent.

1. (*1*) This Act may be called the Vegetable Products (Remunerative Support Price and Insurance) Act, 2014.

(*2*) It extends to the whole of India.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*i*) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(*ii*) "insurance" means insurance against loss or damage or destruction of vegetable products due to—

(*a*) any natural calamity like flood, drought, storm, frost, whirlwind, earthquake, flash flood, hailstorm or such other calamity as may be specified by the appropriate Government from time to time; and

(*b*) inferior quality of fertilizers, pesticides or seeds;

(*iii*) "prescribed" means prescribed by rules made under this Act by the Central Government or the State Government, as the case may be; and

(*iv*) "vegetable products" mean vegetables that are used for human consumption and include beet, bitter gourd, brinjal, cabbage, carrot, cauliflower, okra, onion, peas, potato, radish, tomato, turnip and banana leaf.

Fixation of minimum remunerative support price of vegetable products.

3. The appropriate Government shall announce minimum remunerative support price of vegetable products in such manner and at such intervals, as may be prescribed:

Provided that different prices may be fixed for different States and different seasons.

Factors for determination of minimum remunerative support price of vegetable products.

4. The appropriate Government shall, while announcing the minimum remunerative support price of vegetable products, take into account all relevant factors, which shall include,—

(*i*) expenditure on inputs such as seeds, fertilizers and pesticides;

(*ii*) average labour charges;

(*iii*) expenditure on rent paid for land and tractor;

(*iv*) interest payable to banks on loans taken for growing vegetables;

(*v*) electricity and water charges;

(*vi*) expenditure on storage of vegetable products; and

(*vii*) expenditure incurred on transportation of vegetable products to market.

Formulation of a comprehensive insurance scheme for vegetable products.

5. (*1*) The Central Government shall formulate a comprehensive insurance scheme for vegetable products.

(*2*) The expenditure incurred on payment of premium for insurance of vegetable products under sub-section (*1*) shall be borne wholly by the Central Government.

Payment of insurance amount in case of natural calamities.

6. (*1*) The appropriate Government shall determine the quantum of loss suffered by vegetable growers on account of natural calamity or inferior quality of fertilizers, pesticides or seeds and send a report to this effect to the Central Government in such manner as may be prescribed.

(*2*) On receipt of a report from the appropriate Government under sub-section (*1*), the Central Government shall direct the insurance company concerned to pay the insured amount to vegetable growers within such time and in such manner, as may be prescribed.

Central Government to provide funds.

7. The Central Government shall, after due appropriation made by Parliament, by law in this behalf, provide adequate funds to the States for carrying out the purposes of this Act.

Power to make rules.

8. (*1*) The appropriate Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(*3*) Every rule made under this Act by the State Government shall be laid, as soon as may be after it is made, before the State Legislature.

STATEMENT OF OBJECTS AND REASONS

The minimum remunerative support price is announced for many agricultural products from time to time. But there is no provision for fixation of minimum remunerative support price for vegetable products. In the absence of minimum remunerative support prices, vegetable growers are harassed and cheated by middlemen, brokers and multi-national retail companies. They are forced to sell their products at a throwaway price resulting in heavy loss to them. Further, the crop insurance scheme does not cover vegetable products. Moreover, the crop insurance scheme provides for insurance only in case of serious natural calamities. However, crops are damaged even due to inferior quality of fertilizers, pesticides and seeds which are presently not covered under any crop insurance. For example, banana leaves, plants, raw bananas are damaged and destroyed due to whirlwinds but since there is no coverage for loss of crops due to this calamity, banana growers are suffering.

Around forty per cent of vegetable products perish during transportation from fields to markets. In the absence of proper facilities of transportation and cold storage, farmers are forced to throw away their products. There is no insurance coverage for such losses.

Therefore, the scope of insurance should be increased to cover inferior quality of fertilizers, pesticides and seeds and the definition of natural calamities needs to be widened.

Hence this Bill.

NEW DELHI; DEVJI M. PATEL

November 3, 2014.

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for formulation of a comprehensive insurance scheme for vegetable products. Clause 6 provides for payment of insurance amount in case of loss suffered by vegetable growers on account of natural calamity or inferior quality of fertilizers, pesticides or seeds. Clause 7 provides for payment of adequate funds to the States for carrying out the purposes of this Act. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees one thousand crore per annum.

A non-recurring expenditure of about rupees one thousand crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the appropriate Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 137 OF 2014

A Bill to provide for the protection of farmers affected by natural calamities and for other welfare measures and for matters connected therewith.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. *(1)* This Act may be called the Farmers (Protection from Natural Calamities and Other Welfare Measures) Act, 2014.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in case of a State, the Government of that State and in all other cases, the Central Government;

(b) "farmer affected by natural calamity" means a farmer whose property, including livestock, crop, orchard, field, machine or tools, is lost, destroyed or damaged due to natural calamity;

(c) "Fund" means the Farmers Welfare Fund constituted under section 4;

(d) "natural calamity" includes drought, flood, cyclone, hailstorm, cloud burst, tsunami, landslide or earthquake or such other conditions as may be notified by the appropriate Government from time to time;

(e) "old age farmer" means a farmer who has completed sixty years of age; and

(f) "prescribed" means prescribed by rules made under this Act.

Payment of adequate compensation to farmers affected by natural calamities.

3. *(1)* Notwithstanding anything contained in any other law for the time being in force, every farmer affected by natural calamity shall be paid adequate compensation by the appropriate Government in such manner as may be prescribed.

(2) The amount of compensation payable to a farmers under sub-section (1) shall be such as may be specified by the appropriate Government from time to time, by notification in the Official Gazette;

(3) The appropriate Government, while specifying the compensation under sub-section *(2)*, shall take into account the actual loss suffered by a farmer affected by natural calamity;

(4) Every claimant shall apply to an officer nominated by the appropriate Government for the purpose of payment of compensation in such form and giving such information as may be prescribed:

Provided that nothing in this Act shall prevent a *Gram Panchayat* from applying for compensation on behalf of all the farmers affected by natural calamity living within the jurisdiction of such *Gram Panchayat.*

(5) Every application for compensation under this Act shall be disposed of within a period of thirty days from the date of its filing.

Farmers Welfare Fund.

4. *(1)* The Central Government shall, by notification in the Official Gazette, constitute a Fund to be known as the Farmers Welfare Fund.

(2) The initial corpus of the Fund shall be rupees five thousand crore of which rupees four thousand crore shall be credited by the Central Government, after due appropriation made by Parliament by law in this behalf, and rupees one thousand crore shall be credited by the State Governments in such manner as may be prescribed.

(3) The Central Government and the State Governments shall contribute every year to the Fund in such ratio as may be prescribed.

(4) There shall also be credited to the Fund any grant or donation that may be made by any person or institution.

Measures for removal of indebtedness amongst farmers.

5. *(1)* The appropriate Government shall take such measures as it may think necessary and expedient for the removal of indebtedness amongst farmers.

(2) Without prejudice to the generality of the foregoing provision, the measures shall include giving remunerative prices to farmers for their agricultural produce and provision of a comprehensive crop insurance scheme for farmers.

Pension to old age farmers.

6. The appropriate Government shall pay such pension, being not less than rupees one thousand per month, as it may deem appropriate keeping in view the rate of inflation and other necessary factors, to every old age farmer, whose income from all sources is not more than two thousand rupees per month, in such manner as may be prescribed.

Farmers Credit Scheme.

7. *(1)* The Central Government, in consultation with the State Governments, formulate a scheme to be known as the Farmers Credit Scheme for providing loans to farmers through banks and financial institutions.

(2) The scheme shall provide for—

(i) terms and conditions governing the flow of credit to the farmers;

(ii) procedure of settling outstanding loans of farmers;

(iii) guidelines regarding rate of interest to be charged on loans;

(iv) relief measures for farmers affected by natural calamities; and

(v) such other matters as the Central Government may deem necessary.

Central Government to issue directives to banks and financial institutions.

8. The Central Government may issue such directives to the banks and the financial institutions, as it may deem necessary, for carrying out the purposes of this Act.

Act not to be in derogation of other laws.

9. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force, relating to matters provided in this Act.

Power to make rules.

10. *(1)* The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

In our country farmers constitute nearly seventy per cent. of the total population. Being a vast country, natural calamities do occur in one part of the country or the other almost round the year. For instance, the State of Rajasthan and parts of Gujarat, Maharashtra, Bihar, Uttar Pradesh, Jharkhand, Madhya Pradesh and Chhattisgarh are drought prone. Every year, half of Bihar is flooded and the other half faces drought. Similarly, in southern States, coastal areas are lashed with cyclones or tsunami whereas other parts of these States face drought conditions. Many parts of the country face earthquake, hailstorm, cloud bursts, extreme cold conditions and other natural calamities. Farmers mostly bear the brunt of such natural calamities. They lose their crops, livestock and many a time their dwelling units and household items including food grains. Despite this, farmers are supposed to repay their loans whether their harvest is good or not. In depression, many of them end their lives. Thousands of farmers have committed suicide in recent years in the States of Andhra Pradesh, Maharashtra, Punjab, Uttar Pradesh, Madhya Pradesh, Tamil Nadu and Karnataka. Indebtedness of our farming community is a chronic and continuing problem which has to be taken care of through active efforts. Due to increase in life expectancy, the number of old age farmers is increasing and in their old age they have to face a number of problems compelling them to lead a miserable life. Since ours is a welfare State, the Government is duty bound to provide social security to the farmers by giving them old age pension, remunerative prices of their produce and also provide them adequate compensation if their crops and property are affected by natural calamity.

Hence this Bill.

NEW DELHI;
November 3, 2014.

DEVJI M. PATEL

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the compensation to farmers affected by natural calamity. Clause 4 provides for constitution of Farmers Welfare Fund. Clause 6 provides for old age pension to farmers. Clause 7 provides for the formulation of Farmers Credit Scheme. The expenditure in relation to the States shall be borne out of the Consolidated Funds of the respective States. However, the expenditure in respect of Union territories shall be borne out of the Consolidated Fund of India. Further, the Central Government is also required to assist the State Governments by crediting monies into the Farmers Welfare Fund for carrying out the purposes of the Act. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees five thousand crore may be involved as recurring expenditure per annum.

A non-recurring expenditure to the tune of rupees five hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 142 OF 2014

A Bill to provide for effective measures for storage and marketing of fruits and vegetables, development of fruit and vegetable industry and for matters connected therewith.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Fruit and Vegetable Board Act, 2014.

(*2*) It extends to the whole of India.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint:

Provided that different dates may be appointed for different provisions of this Act and for different States or different parts thereof.

Declaration as to expediency of control by the Union Government.

2. It is hereby declared that it is expedient in the public interest that the Union Government should take under its control the fruit and vegetable industry.

Definitions.

3. In this Act, unless the context otherwise requires,—

(*a*) "Board" means the Fruit and Vegetable Board constituted under section 4;

(*b*) "dealer" means a dealer in fruits and vegetables;

(*c*) "Executive Director" means the Executive Director appointed under section 6;

(*d*) "Government" means the Central Government;

(*e*) "member" means a member of the Board and includes the Chairperson; and

(*f*) "prescribed" means prescribed by rules made under this Act.

Constitution of Fruit and Vegetable Board.

4. (*1*) The Central Government shall, by notification in the Official Gazette, constitute a Board to be known as the Fruit and Vegetable Board.

(*2*) The board shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract and shall by the said name sue and be sued.

(*3*) The head office of the Board shall be at New Delhi and the Board may, with the previous approval of the Government, establish its offices or agencies at places in or outside India.

(*4*) The Board shall consist of the following members, namely:—

(*a*) a chairperson to be appointed from amongst the fruit and vegetable growers by the Government in such manner as may be prescribed;

(*b*) three members of Parliament of whom two shall be nominated by the Speaker of the House of the People and one by the Chairman of the Council of States;

(*c*) five officers not below the rank of Joint Secretary, to be appointed by the Government as members to represent respectively:—

(*i*) the Union Ministry dealing with Agriculture;

(*ii*) the Union Ministry dealing the commerce;

(*iii*) the Union dealing with finance;

(*iv*) the Union dealing with industrial development; and

(*v*) the Indian Council of Agricultural Research;

(*d*) four members to be appointed by the Government from amongst the growers of fruits;

(*e*) four members to be appointed by the Government from amongst the growers of vegetables; and

(*f*) two members to be appointed by the Government from amongst the dealers and exporters of fruits and vegetables.

(*5*) The Board shall elect, from amongst its members, a Vice-Chairperson who shall exercise such powers and perform such functions as may be prescribed or as may be delegated to him by the Chairperson.

(*6*) The term of office of the members and the procedure to be followed by the Board in discharge ot its functions shall be such as may be prescribed.

(*7*) The Executive Director and one such officer of the Government (not being a member of the Board), as may be deputed by the Government, shall have the right to attend the meetings of the Board and take part in the proceedings thereof but shall not have the right to vote.

(*8*) The Board may associate with itself in such manner and for such purposes, as may be prescribed, any person whose assistance or advice it may require in complying with any of the provisions of this Act and a person so associated shall have the right to take part in the discussions of the Board relevant to the purposes for which he has been associated, but shall not have the right to vote.

Salary and allowances and other conditions of service of Chairperson.

5. The salary, allowances and other terms of conditions of services of the Chairperson shall be such, as the Government may, from time to time, determine.

Appointment of Executive Director, etc.

6. (*1*) The Government shall appoint an Executive Director to exercise such powers and perform such duties may be prescribed or as may be delegated to him by the Chairperson.

(*2*) The Government shall appoint a Secretary to the Board to exercise such powers and perform such duties as may be prescribed or as may be delegated to him by the Chairperson.

(*3*) The salaries, allowances and terms of conditions of service in respect of leave, pension, provident fund and other matters of the Executive Director and the Secretary shall be such as the Government may, from time to time, determine.

(*4*) Subject to such control, restrictions and conditions as may be prescribed, the Board may appoint such other officers and employees as may be necessary for the efficient performance of its functions.

(*5*) The Chairperson, the Excutive Director, the Secretary and other officers and employees of the Board shall not undertake any work not connected with their duties under this Act except with the prior permission of the Government.

Committees of the Board.

7. (*1*) The Board may appoint such Committees as may be necessary for the efficient discharge of the duties and performance of its functions under this Act.

(*2*) The Board shall have the power to co-opt as members of any committee appointed under sub-section (*1*), such number of persons who are not members of the Board, as it may think fit and the persons co-opted shall have the right to attend the meetings of the committee and take part in the proceedings of the committee but shall not have the right to vote.

Functions of the Board.

8. (*1*) It shall be the duty of the Board to promote by taking such measures as it thinks fit, the storage and marketing of fruits and vegetables and the development of the fruit and vegetable products industry.

(*2*) Without prejudice to the generality of the provisions of sub-section (*1*), the measures may provide for—

(*a*) formulating policies for overall development and improvement of production, quality, storage and marketing of fruits and vegetables;

(*b*) fixing annual production targets of fruits and vegetables;

(*c*) review of measures for attaining production targets, *viz,* supply of inputs like fertilizer, water supply, plant protection measures, credit facilities etc.;

(*d*) fixing import quotas for improved seeds;

(*e*) advising the Government on extension of cold storage facilities;

(*f*) review of the price trends of fruits and vegetables;

(*g*) development of fruit and vegetable products industries;

(*h*) the need for price support and other measures to ensure fair prices to the growers;

(*i*) regulation, control and promotion of the export of fruits and vegetables and fruit and vegetable products and review of the grading of fruits and vegetables; and

(*j*) collection and maintenance of statistics on any matter relating to fruits and vegetables and fruit industries.

Dissolution of the Board.

9. (*1*) The Government may, by notification in the Official Gazette and for reasons to be specified therein, direct that the Board shall be dissolved from such date and for such period as may be specified in the notification:

Provided that before issuing any such notification, the Government shall give a reasonable opportunity to the Board to make representation against the proposed dissolution and shall consider the representations, if any, of the Board.

(*2*) When the Board is dissolved under the provisions of sub-section (*1*),—

(*a*) all powers and duties of the Board shall, during the period of dissolution, be exercised and performed by such person as the Government may appoint in this behalf;

(*b*) all funds and other properties vested in the Board shall, during the period of dissolution, vest in the Government; and

(*c*) as soon as the period of dissolution expires, the Board shall be reconstituted in accordance with the provisions of this Act.

Power to make rules.

10. (*1*) The Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the powers and functions of the Vice-Chairperson of the Board;

(*b*) holding of minimum number of meetings of the Board every year;

(*c*) the circumstances in which and the authority by which a member may be removed;

(*d*) the power which may be exercised and the duties which shall be performed by the Executive Director and the Secretary;

(*e*) the procedure to be followed at the meetings of the Board for the conduct of business and the number of members which shall form the quorum at a meeting;

(*f*) the maintenance of records of business transacted by the Board and the submission of copies thereof to the Government;

(*g*) the power of the Board, its Chairperson, the Executive Director and Committees of the Board with respect to the incurring of expenditure;

(*h*) the conditions subject to which the Board may incur expenditure outside India;

(*i*) the preparation of estimates of receipts and expenditure of the Board and the authority by which the estimates are to be sanctioned;

(*j*) the form and the manner in which the accounts shall be maintained by the Board;

(*k*) the deposit of the funds of the Board in Banks and the investment of funds;

(*l*) the conditions to be observed by the Board in borrowing the money;

(*m*) the collection of any information or statistics in respect of fruits and vegetables; and

(*n*) any other matter which has to be, or may be, prescribed by or provided for by rules under this Act.

(*3*) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule, or both Houses agree that the rule should not be made, the rule shall, thereafter, have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Power to make regulations.

11. (*1*) The Board may make regulations not inconsistent with this Act and the rules made thereunder for enabling it to discharge its functions under this Act.

(*2*) Without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

(*a*) the procedure to be followed at the meetings of the committees appointed by the Board and the number of members which shall form a quorum at a meeting;

(*b*) the delegation to the Chairperson, members, Executive Director, Secretary or other officers of the Board, or any of the powers and duties of the Board under this Act;

(*c*) the travelling and other allowances, leave and other conditions of service of officers (other than those appointed by the Government) and other employees of the Board;

(*d*) the maintenance of the accounts of the Board;

(*e*) the maintenance of the registers and other records of the Board and its various committees;

(*f*) the appointment by the Board of agents to discharge, on its behalf, any of its functions;

(*g*) the persons by whom, and the manner in which, payments, deposits and investments may be made on behalf of the Board.

(*3*) No regulation made by the Board shall have effect until it has been approved by the Government and published in the Official Gazette, and the Government, in approving a regulation, may make any change therein which appears to it to be necessary.

(*4*) The Government may, by notification in the Official Gazette, cancel any regulation which has been approved and thereupon, the regulation shall cease to have effect.

STATEMENT OF OBJECTS AND REASONS

The fruits and vegetables are grown in the country on an extensive scale. With the establishment of Horticulture Directorates in the States and the encourgagement given to horticulture, the production of fruits and vegetables is growing day by day. But there are no adequate storage or good transport facilities for these commodities. The export and import policies are also not well defined for these items.

At present there is a great scope for exporting of fruits and vegetables and the products based on processing of fruits and vegetables. Therefore, to encourage production, storage and export of fruits and vegetables and their products, it is expedient that the Union Government takes under its control, the development of fruits and vegetables and the fruit and vegetable products industry.

Hence this Bill.

NEW DELHI;
November 3, 2014

DEVJI M. PATEL

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the constitution of the Fruit and Vegetable Board. Clause 5 provides for payment of such salary and allowances to the Chairperson of the Board as may be determined by the Government. Clause 6(3) provides for payment of salaries and allowances to the Executive Director and the Secretary to the Board. Clause 6(4) provides for appointment of such other officers and employees as may be necessary for efficient performance of the functions of the Board. Clause 7 provides for appointment of committees and co-option of such persons as members thereon who are not members of the Board. Such members of the Committees will have to be paid travelling and other allowances for attending the meetings of the Committees. Clause 8 provides that the Board shall take such measures as it thinks fit to promote the development and improvement of production, storage and marketing of fruits and vegetables and the fruits and vegetable products industry. It is estimated that an annual recurring expenditure of about rupees five crore will be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees ten crore is also likely to be incurred.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. Clause 11 empowers the Fruit and Vegetable Board to make regulations, by notification in the Official Gazette, with the previous approval of the Central Government.

The matters in respect of which rules or regulations may be made pertain to procedural or administrative details and as such the delegation of legislative power is of a normal character.

BILL NO. 166 OF 2014

A Bill to provide for compulsory medical preparedness in schools to deal with medical emergencies and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

Short title and extent.

1. (*1*) This Act may be called the Compulsory Medical Preparedness in Schools Act, 2014.

(*2*) It extends to the whole of India.

Definitions.

2. In this Act, unless for context otherwise requires,—

(*a*) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(*b*) "doctor" means a medical practitioner registered with the Medical Council of India;

(*c*) "prescribed" means prescribed by rules made under this Act; and

(*d*) "school" means a school run by the Central Government or a State Government or a local authority or by an authority designated or sponsored by the appropriate Government and includes Government aided school and recognised private school imparting education up to twelfth standard.

Central Government to formulate health policy for students in schools.

3. (*1*) The Central Government shall, in consultation with the Medical Council of India, within a period of six months from the commencement of this Act, formulate a health policy for students in schools prescribing norms to be followed in case of medical emergency.

(*2*) The Central Government shall issue guidelines and directions to the State Governments with regard to medical preparedness in schools from time to time.

Schools to be prepared for medical emergency.

4. It shall be the duty of the appropriate Government to ensure that every school, within its jurisdiction, is fully prepared to deal with any medical emergency.

Appropriate Government to appoint doctors and nurses to provide certain facilities in every school.

5. It shall be the duty of the appropriate Government to,—

(*i*) appoint a registered medical practitioner and a qualified nurse in every school;

(*ii*) make provision of a full-fledged first-aid centre having life saving equipments and medicines in every school; and

(*iii*) make provision of an ambulance in every school.

Schools to maintain health data of students suffering from life threatening disease.

6. (*1*) Every school shall maintain health data of every student who is suffering from any life threatening disease, in consultation with his parents or guardians or family doctors, in such manner as may be prescribed.

(*2*) It shall be the duty of every parent to apprise the school administration of the special medical needs of his school going child and keep a slip in the school bag of the child mentioning the kind of medical treatment being taken by the child.

Arrangement with hospitals by schools to provide medical treatment to students in emergency.

7. Every school shall make arrangements with nearby Government or private hospitals for the purpose of providing immediate medical treatment to students in emergency.

Appropriate Government to organize first-aid training programmes for teachers and staff of every school.

8. The appropriate Government shall take steps to organise first-aid training programmes in every school to train every teacher and non-teaching staff members to help the students during medical emergency.

Monitoring and inspection of medical preparedness in schools.

9. The appropriate Government shall designate an authority in every district to monitor and conduct an inspection of medical preparedness in every school at least once in each financial year, in such manner as may be prescribed.

Schools not to charge extra amount for arranging medical preparedness.

10. The appropriate Government shall take steps to ensure that no school charges any extra amount from the parents of students for arranging medical preparedness or refuses admission to any child, who is suffering from any disease which is not life threatening.

Central Government to provide funds.

11. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds for the purposes of this Act.

Penalty.

12. Any person who contravenes the provisions of this Act shall be punished with imprisonment for a term which may extend to three years or with fine which may extend to two lakh rupees or with both.

Power to remove difficulties.

13. If any difficulty arise in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for removing the difficulty:

Provided that no such orders shall be made after the expiry of the period of three years from the date of commencement of this Act.

Act to have overriding effect.

14. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force relating to medical preparedness in schools or in any instrument having effect by virtue of any law other than this Act.

Act not in derogation of any other law.

15. The provisions of this Act shall be in addition to and not in derogation of any other law, for the time being in force.

Power to make rules.

16. (*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Incidents of medical emergency in schools due to injury caused to the students or sickness are very common now a days. Of late, many incidents have come to light wherein students lost their lives for want of proper and immediate medical help in schools. In an incident, a young girl of sixteen years age lost her life as she was not given any first-aid in school and reportedly there was delay in transporting her to the hospital. As of now, even the Department of Education does not have any health policy for students in schools. Every school follows its own set of norms to deal with children's medical emergency. Therefore, there is no proper, uniform and adequate arrangement for medical help to students in emergency. As of now the Government has not issued any direction to schools in this regard. There is an urgent need that proper attention be paid to make available medical facilities and infrastructure in schools to deal with such emergencies. Every school should have a registered doctor, qualified nurse and first-aid centre equipped with life saving medicines. It is also required that every school shall make some arrangement with nearby hospitals to provide medical treatment to students in the eventuality of any accident or medical emergency. The Central Government should also come out with a health policy for students in schools to handle the medical emergency and to provide health services to the students in schools.

The Bill seeks to achieve above objectives.

NEW DELHI;
November 5, 2014.

KIRIT PREMJIBHAI SOLANKI

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides that the appropriate Government shall appoint a doctor and a nurse in every school. It also provides for arrangement of first-aid centre and ambulance in every school. Clause 7 provides that every school shall make arrangements with nearby hospitals including private hospitals to provide medical treatment to students in emergency. Clause 8 provides that the appropriate Government shall organise first aid training programmes for teachers and staff members in every school. Clause 11 provides that the Central Government, shall after due appropriation, provide adequate funds to the State Governments for the purposes of this Act. The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. The State Governments have to incur some expenditure from their respective Consolidated Funds in respect of their States supplemented by assistance from the Central Government. It is estimated that an annual recurring expenditure of rupees fifty hundred crore would be involved from the Consolidated Fund of India.

A non- recurring expenditure of rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 16 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 140 OF 2014

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Constitution (Amendment) Act, 2014.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint:

Provided that different dates may be appointed for different States.

Amendment of article 243C.

2. In article 243C of the Constitution, for sub-clause (b) of clause (5), the following sub-clause shall be substituted, namely:—

"(b) a Panchayat at the intermediate level or district level shall be elected from amongst the elected members of that Panchayat by the electors of territorial constituencies of that Panchayat by direct election, which shall be held in such manner as the Legislature of a State may, by law, provide.".

STATEMENT OF OBJECTS AND REASONS

It is being alleged that a lot of money is being spent for becoming Chairpersons of Panchayats at intermediate or district levels. It is very shameful that elected members are being involved in corruption in a body which is supposed to serve the people at grass root level. The persons elected to the Office of Chairperson with the aid of money cannot be expected to perform the duties of such a high office in a righteous manner. The Bill, therefore, seeks to amend the Constitution with a view to provide that the Chairpersons of Panchayats at intermediate or district levels shall be elected by direct elections.

Hence this Bill.

NEW DELHI;
November 5, 2014.

B C KHANDURI

BILL NO. 151 OF 2014

A Bill to prohibit the use of coercive methods such as intimidation and harassment either verbal or physical against any person or his family members for recovery of loans by banks, or their agents, whether authorized or not, and for matters connected therewith or incidental thereto

BE it enacted by Parliament in the Sixty-fifth year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Prohibition on Use of Coercive Methods for Recovery of Bank Loans Bill, 2014.

(*2*) It extends to the whole of India.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "bank" means any scheduled bank included in the Reserve Bank of India Act, 1934 or any private or foreign bank or any financial institution authorized by the

2 of 1934.

Government to accept deposits, channel deposits into lending activities and includes their agents;

(*b*) "family" includes mother, father, spouse, son, daughter, sister and brother and their families; and

(*c*) "prescribed" means prescribed by rules made under this Act.

Banks not to resort to use of illegal means for recovery of loan.

3. No bank or its agent, whether authorized or not, shall, for the purpose of recovery of a loan,—

(*i*) resort to use of intimidation or harassment, either verbal or physical, against any person or his family;

(*ii*) make any threatening call or make false and misleading representation to that person or his family;

(*iii*) insult that person or his family in public;

(*iv*) cause damage or take away any movable property of that person;

(*v*) cause damage or forcefully acquire the immovable property of that person; or

(*vi*) visit residence of that person during odd hours.

Bank not to outsource loan recovery without approval of Reserve Bank of India.

4. No bank shall outsource its process of recovery of loan to any outside agency without the approval of the Reserve Bank of India.

Reserve Bank of India to issue guidelines for scrutiny of papers relating to disbursement of loans.

5. The Reserve Bank of India shall, from time to time, issue necessary guidelines to banks for proper scrutiny of papers relating to disbursement of loans.

Penalty.

6. Whoever contravenes the provisions of this Act shall be punished with imprisonment, which may extend to five years and also with fine, which may extend to rupees five lakh.

Offences by a company.

7. (*1*) Where a contravention of any of the provisions of this Act is committed by a company, every person who, at the time the contravention was committed, was in charge of, and was responsible to, the company for the conduct of business of the company as well as the company, shall be guilty of the contravention and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the contravention was committed without his knowledge or that he had exercised all due diligence to prevent such contravention.

(*2*) Notwithstanding anything contained in sub-section (*1*), where a contravention of any of the provisions of this Act is committed by a company and it is proved that the contravention has taken place with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary, or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purpose of this section:—

(*i*) "company" means anybody corporate and includes a firm or other association of individuals; and

(*ii*) "director", in relation to a firm, means a partner in the firm.

Power to remove difficulties.

8. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as may appear to be necessary or expedient for removing the difficulty:

Provided that no such orders shall be made after the expiry of a period of three years from the date of commencement of this Act.

Overriding effect of the Act.

9. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Act not in derogation of any other law for the time being in force.

10. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Power to make rules.

11. (*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Today, there is a cut throat competition among the banks and financial institutions to increase their customer base, particularly, by giving loans on attractive terms. Day in and day out, numerous calls are made by the representatives of banks or their agents to lakhs of persons offering loans for all kinds of their requirements. Once a person accepts the offer and completes the formalities, his ordeal begins. A number of hidden conditions and charges about which the customers are not informed at the time of offering loans comes to light. If due to some genuine reasons, a customer fails to repay one or two instalments of loan, the bank or its agent which were so soft while providing loan, change their colors and adopt all kind of illegal and harsh methods to recover the loan. Though many of the banks are doing a fair business and following the procedure established by law in case of default, yet there are banks which resort to intimidation and harassment. In normal course, if a customer is not paying his debt, proceeding against him may be initiated in debt recovery tribunal or courts instead of harassing him. In fact, in the era of outsourcing, banks have also given the responsibility of recovering bad debt to some private companies, which for each recovery, get commission. More often than not the recovery agents and banks are not at the same wavelength. These private companies often employ musclemen who threaten the customers and their families. These musclemen insult the customers in public and forcibly take away the properties for which the loan has been secured and also make anonymous calls. Various Courts and the Reserve Bank of India have, on several occasions, cautioned the banks and their agents not to resort to such means to recover loan. The Reserve Bank of India has even issued a set of guidelines asking banks and their agents, not to intimidate or harass people in their efforts to recover bad debt. But all these measures have not been able to curb the coercive methods by banks or their agents simply because these guidelines are ineffective in the absence of any punishment for their violation. Therefore, it is high time that a law on the subject may be framed to save the innocent customers taking loans from banks and financial institutions from the harassment and insult.

Hence this Bill.

NEW DELHI;
November 5, 2014.

KIRIT PREMJIBHAI SOLANKI

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only. The delegation of legislative power is, therefore, of a normal character.

BILL NO. 152 OF 2014

A Bill further to amend the Indian Penal Code, 1860

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Indian Penal Code (Amendment) Act, 2014.

45 of 1860.

Insertion of new section 304AA.

2. After section 304A of the Indian Penal Code, 1860, the following section shall be inserted, namely:—

Wilful medical negligence not amounting to culpable homicide.

"304AA. (*1*) Whoever, being a registered Medical Practitioner or a person assisting such registered Medical Practitioner, causes the death of any person during the course of his treatment including surgical treatment due to any wilful medical negligence not amounting to culpable homicide, shall be punished with imprisonment for a term which may extend to one year and also with fine, which may extend to rupees fifty thousand.

(*2*) No arrest under sub-section (*1*) shall be made till the offence of causing death due to wilful medical negligence is established.

Explanation.— For the purpose of sub-section (*2*), the offence of causing death due to wilful medical negligence shall be taken as established only if the findings of the inquiry made by the Investigating Officer supports the fact of death due to wilful medical negligence.".

STATEMENT OF OBJECTS AND REASONS

It has been noticed that in case of death during or after medical treatment, the relatives of the deceased lodge criminal medical negligence complaints against treating doctor under section 304 or 304A of the Indian Penal Code, 1860 and demand arrest of treating doctors. Ideally, the medical criminal negligence is required to be established on the basis of *prima facie* evidence formed on the basis of examination of reports of post mortem, pathological lab tests or opinion of experts in medical field.

Therefore, every due care and caution is required to be exercised in prosecuting doctors for medical negligence, if any, in the interest of society. In case of death of patient due to medical negligence on the part of treating doctors, the investigating officer should exercise due care before registering a case of medical negligence. The police officials should not arrest a doctor for medical negligence on the basis of mere opinion of relatives or on receipt of complaints from them. Rather, experts' opinion, post mortem reports, forensic report and other evidence should be given due weightage to make a case of medical negligence.

The Bill seeks to provide that in wilful medical negligence cases, doctors should not be held criminally responsible or arrested immediately on complaints unless there is *prima facie* evidence supporting the charges of negligent act.

Hence this Bill.

NEW DELHI;
November 5, 2014.

KIRIT PREMJIBHAI SOLANKI

BILL NO. 173 OF 2014

A Bill to regulate termination of life of persons who are in a permanent vegetative state or terminally ill and facing unbearable suffering and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Euthanasia (Regulation) Act, 2014.

(*2*) It extends to the whole of India except the State of Jammu and Kashmir.

(*3*) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "active euthanasia" means termination of life of a person who is terminally ill and facing unbearable suffering by administration of lethal drugs;

(*b*) "Board" means the Evaluation and Review Board constituted under section 3;

(*c*) "Committee" means the Committee constituted by the Chief Medical Officer of a Government Hospital under section 8;

(*d*) "passive euthanasia" means termination of life of a person who is in a permanent vegetative state for not less than six months by withdrawal of life support system;

(*e*) "physician" means a medical practitioner registered with the Medical Council of India; and

(*f*) "prescribed" means prescribed by rules made under this Act.

Constitution of Evaluation and Review Board.

3. (*1*) The Central Government shall, by notification in the Official Gazette, constitute a Board to be known as the Evaluation and Review Board.

(*2*) The Board shall consist of—

(*a*) Director General of Health Services in the Union Ministry of Health and Family Welfare, who shall be *ex-officio* Chairperson of the Board;

(*b*) two eminent physicians;

(*c*) a jurist of repute; and

(*d*) an eminent person having experience

in ethics or social work, to be appointed by the Central Government in such manner, as may be prescribed, as members of the Board.

Officers and employees of the Board.

4. (*1*) The Board shall have such officers and employees as may be necessary for the efficient discharge of its functions.

(*2*) The term and other conditions of service of officers and employees of the Board shall be such as may be prescribed.

Examination of application of active and passive euthanasia.

5. The Board shall examine applications of active euthanasia and passive euthanasia made under sections 7 and 8, respectively and give its opinion thereon:

Provided that in examining an application of euthanasia in respect of a child below the age of eighteen years, the Board shall associate a paediatrician if neither of the physician in the Board is a paediatrician:

Provided further that in respect of an application of active euthanasia, the opinion of the Board shall be given within three weeks of the receipt of such application.

Euthanasia not to be an offence.

6. Notwithstanding anything contained in the Indian Penal Code, 1860 or any other law for the time being in force,— 45 of 1860

(*a*) a physician shall not be deemed to have committed any offence for performing an act of termination of life through active euthanasia or passive euthanasia in accordance with the provisions of this Act and the rules made thereunder;

(*b*) no person applying for termination of life through active euthanasia or passive euthanasia either for himself or for a person in respect of whom he is so authorised under this Act shall be deemed to have committed any offence.

Application of active euthanasia.

7. An application for termination of life through active euthanasia shall be made to the Board by that person himself or where that person, by reason of his illness, lack of mental faculties or age or such other reasons, as may be prescribed, is unable to express his consent, by his parents or spouse or children or siblings or legal guardian.

Application of passive euthanasia.

8. (*1*) An application for termination of life through passive euthanasia shall be made to the Chief Medical Officer of a Government hospital by the parents or spouse or children or siblings or legal guardian of that person.

(*2*) On receipt of an application under sub-section (*1*), the Chief Medical Officer shall constitute a Committee consisting of three physicians for examining the person in respect of whom an application has been made and giving its opinion thereon.

(*3*) Notwithstanding anything in sub-section (*2*), where the application made under sub-section (1) is in respect of a person, whose any organ is to be transplanted to another person, or a girl child, the Chief Medical Officer shall forward that application to the Board.

Issuance of certificate of euthanasia.

9. If the Board or the Committee, after examining the person in respect of whom an application has been made is of the opinion that the life of that person requires to be terminated by active euthanasia or passive euthanasia, as the case may be, it shall issue a certificate to that effect containing therein the reasons for such opinion.

Permission for euthanasia by the Court of Session.

10. No person shall be administered active euthanasia or passive euthanasia under this Act unless he makes an application in a Court of Session and such Court permits the application of euthanasia.

Investigation of application of euthanasia by the Court.

11. (*1*) On receipt of an application of euthanasia under section 10, the Court shall appoint a team of lawyers to investigate and enquire as to whether the patient, actually and without any extraneous influence of any kind, desires to terminate his life through euthanasia and make a report thereon.

(*2*) If the Court is satisfied with the report, it shall grant permission for euthanasia in the prescribed form under its seal and signature.

Euthanasia of the patient.

12. (*1*) On production of permission from the Court of Session, the Civil Surgeon or Chief Medical Officer of a Government hospital shall fix a date for euthanasia.

(*2*) On the date so fixed, steps shall be taken to put the life of the patient to a gentle and painless end in the presence of the members of the family of the patient and a representative of the Court of Session.

Power to remove difficulties.

13. (*1*) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing that difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(*2*) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

Act to have overriding effect.

14. The Provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

Power to make rules.

15. (*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

There are divergent views world over whether a person has a right to end his life or not. The demands for such right are more vociferous in the case of individuals in permanent vegetative state and those with terminal illness and facing unbearable sufferings due to such illness.

The issues involved in the questions arising out of euthanasia are both ethical and legal. While there are different views on ethical questions among people of different persuasions, there is hardly any semblance of convergence on the legal aspects as well. A few countries have allowed euthanasia in some form or the other, but most of them have outlawed it. Indian law too does not permit euthanasia in any form. However, in Aruna Shanbaug's cases, Hon'ble Supreme Court laid down certain guidelines for passive euthanasia in exceptional cases. The Court left it to the Parliament to frame a comprehensive law on the subject.

The present Bill seeks to regulate euthanasia by making the following provisions—

(*i*) defining 'active euthanasia' and 'passive euthanasia';

(*ii*) allowing active euthanasia for terminally ill individuals who are facing acute suffering due to such illness;

(*iii*) allowing passive euthanasia for individuals in permanent vegetative state;

(*iv*) providing for constitution of an Evaluation and Review Board to examine patients requiring active or passive authanasia;

(*v*) providing for constitution of a Committee of three physicians to decide whether a patient actually requires passive euthanasia; and

(*vi*) providing that application of euthanasia involving a child shall be decided by the Evaluation and Review Board in consultation with a paediatrician to prevent misuse of law in such case.

Hence this Bill.

NEW DELHI;
November 7, 2014.

BHARTRUHARI MAHTAB.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for constitution of an Evaluation and Review Board. Clause 4 provides for appointment of officers and employees of the Board. The Bill, therefore, if enacted, would involve expenditure out of the Consolidated Fund of India. It is estimated that a recurring expenditure of two crore per annum will be involved.

A non-recurring expenditure of rupees five crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 15 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the Rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 180 OF 2014

A Bill to amend the Public Records Act, 1993.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Public Records (Amendment) Act, 2014.

Amendment of section 2.

2. In section 2 of the Public Records Act, 1993 (hereinafter referred to as the principal Act),— 69 of 1993.

(i) after clause (*d*), the following clause shall be inserted, namely:—

"*(da)* "private record" means a record created or received by a private individual or a company or any other body other than the records creating agency."

(ii) for clause (*e*), the following clause shall be substituted, namely:—

"*(e)* 'public records' mean records created or received by a records creating agency in pursuance of its activities and include—

(i) any document, manuscript and file;

(ii) any microfilm, microfiche and facsimile copy of a document;

(iii) any reproduction of image or images embodied in such microfilm (whether enlarged or not);

(iv) any electronic record;

(v) any recording generated, sent, received or stored in any media and on which sounds or images or both are fixed or from which sounds or images or both are capable of being reproduced; and

(vi) any other material produced by a computer or by any other device regardless of form or medium.

Explanation.—The expression "electronic record" in sub-clause *(iv)* shall have the same meaning as assigned to it in clause *(t)* of section 2 of the Information Technology Act, 2000.". 21 of 2000.

Amendment of section 3.

3. In section 3 of the principal Act,—

(a) in sub-section (*2*)—

(i) for clauses (*l*) and (*m*), the following clauses shall be substituted, namely:—

"*(l)* acceptance, preservation and exhibition of private records of historical or national importance which cannot be appropriately preserved, managed, arranged or exhibited by a private individual or a company or any other body creating or receiving those private records;

(m) making public records accessible, subject to fair and reasonable restrictions, and promote their use by the public;".

(ii) after clause (*r*), the following clauses shall be inserted, namely:—

"*(s)* granting permission for transfer of those public records that have been in existence for less than twenty years to the National Archives of India or, as the case may be, the Archives of the Union territory;

(t) seek clarifications from those records creating agencies that have not furnished action taken report or have not complied with the provisions of the Act and initiate appropriate legal proceedings;"; and

(b) after sub-section (*2*), the following sub-section shall be added, namely:—

"*(3)* The Director General or the Head of the Archives shall submit an Annual Report to the Central Government and Central Government shall cause the Report to be laid, within fourteen days after its receipt, before each House of Parliament, if Parliament is in session, and if Parliament is not in session, then within fourteen days of the commencement of the session of Parliament.".

Amendment of section 5.

4. In section 5 of the principal Act,—

(*i*) in sub-section (*2*), for the words "may set up", the words "shall set up" shall be substituted; and

(*ii*) after sub-section (*2*), the following sub-section shall be added, namely:—

"(*3*) Each records creating agency shall publish information annually on the public records that have been appraised, declassified or transferred to the National Archives of India, or as the case may be, the Archives of the Union territory.".

Amendment of section 6.

5. In sub-section (*1*) of section 6 of the principal Act, for clause (*c*), the following clause shall be substituted, namely:—

"(*c*) appraisal and transfer of public records which are in existence for twenty years or more in consultation with the National Archives of India or, as the case may be, the Archives of the Union territory with a view to preserve public records."

Amendment of section 11.

6. In section 11 of the principal Act,—

(*i*) for sub-section (*1*), the following sub-section shall be substituted, namely:—

"(*1*) The National Archives of India or the Archives of the Union territory may accept, by way of gift, purchase or otherwise, preserve or exhibit private records of historical or national importance which cannot be appropriately preserved, managed or exhibited by a private individual or a company or any other body creating or receiving those private records."; and

(*ii*) in sub-section (*2*), for the words "any *bona fide* research scholar" the words "public for inspecting and obtaining copies thereof" shall be substituted.

Amendment of section 12.

7. For section 12 of the principal Act, the following sections shall be substituted, namely:—

Access to public records.

"12. (*1*) All unclassified public records which are in existence for more than twenty years and are transferred to the National Archives of India, or as the case may be, the Archives of the Union territory, shall, subject to fair and reasonable restrictions, be made available to the public for inspection and obtaining copies.

Explanation I.—For the purposes of sub-section (*1*), the period of twenty years shall be reckoned from the year of the opening of the public record.

Explanation II.—For the purposes of this section, the expression "reasonable restrictions" shall include imposing restrictions in the interest of the sovereignty and integrity of India, security of the State, friendly relations with foreign states, public order, incitement to an offence, or conditions of the donor of private records.

(*2*) Any records creating agency may grant to any person access to any public record in its custody in such manner and subject to such conditions as may be prescribed:

Provided that all unclassified public records, which are in existence for more than twenty years and in the custody of any records creating agency, shall be made available to the public for inspection and obtaining copies thereof, subject to fair and reasonable restrictions, by making arrangements comparable to those made for public records by the National Archives of India or the Archives of the Union territory.

Declassification of classified records.

12A. All classified records being maintained by the records creating agency shall be declassified, for the purposes of this Act, on such date or event for declassification, as determined by the concerned records creating agency but such date or event shall not be more than twenty years from the date of the decision of classification:

Provided that if the sensitivity of the information requires, the records creating agency may mark the records as classified for upto twenty-five years, for the purposes of this Act.".

Amendment of section 13.

8. In section 13 of the principal Act, in sub-section (*2*),—

(*i*) in clause (*b*), for the words "and Ministry of Personnel, Public Grievances and Pensions", the words, "Ministry of Personnel, Public Grievances and Pensions and Ministry of Science and Technology" shall be substituted; and

(*ii*) for clause (*d*), the following clause shall be substituted, namely:—

"(*d*) ten persons to be nominated by the Central Government for a period not exceeding three years, three being archivists, six being professors in the Post-graduate Department of History in any recognized University and one being an electronic or computer engineer.".

Amendment of section 17.

9. In section 17 of the principal Act, in sub-section (*2*),—

(*i*) in clause (*f*), for the words "research scholar", the word "public" shall be substituted; and

(*ii*) for clause (*g*), the following clause shall be substituted, namely:—

"(*g*) fair and reasonable restrictions subject to which public records may be made available to the public under section 12;".

STATEMENT OF OBJECTS AND REASONS

Records are created to serve as evidence of transactions and as testimony of the past. By preserving records generated by our Government bodies and other record creating agencies, the National Archives of India preserves the memory of the daily dealings of Government, citizens, organizations and all connected activities. These archives eventually become a keeper of our culture, history, achievements and failures.

The Public Records Act was enacted on 22nd December, 1993 to regulate the administration, management and preservation of records of the Central Government, Union territory Administrations, public sector undertakings, statutory bodies and corporations, commissions and committees constituted by the Central Government or a Union territory Administration. It creates an onus on all the bodies of the Government to provide for the safekeeping of information and records of their daily activities.

However, the Act has failed to establish a strong mechanism for accountability and transparency. Even though an adequate punishment has been prescribed for the offenders, in the absence of any authority constituted for initiating legal proceedings, the penal provisions of the Act have never been invoked. Such procedural lacuna have resulted in ineffective implementation of the provisions of the Act.

Further, there is a need to ensure that classified documents be de-classified and made accessible to the public after the expiry of a reasonable time period. The declassification process should not be left at the mercy of periodic reviews and the judgment of any one individual. The ''default option'' should be that of openness and transparency. The unclassified public records, however, should be made accessible subject to reasonable restrictions involving the security of the state and public order.

It is also important to ensure that any citizen, whether a *bona fide* researcher or not, should have access to inspect and obtain copies of unclassified records preserved by the National Archives of India or any records creating agency. One should not feel the need to resort to the Right to Information Act for obtaining information from Archives. It should strictly be in the domain of the Public Records Act.

Hence this Bill.

NEW DELHI;
November 7, 2014.

SHASHI THAROOR

FINANCIAL MEMORANDUM

Clause 8 of the Bill seeks to provide for reconstitution of the Archival Advisory Board and increasing the number of members on the Board from thirteen to twenty-two.

All members of the Advisory Board shall be entitled to such travelling allowance and daily allowance as may be determined by the Central Government. It is expected to be in accordance with the rates admissible to 'Group A' officers of the Central Government. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India.

Further as expenditure would depend on the number of meetings of the Archival Advisory Board, recurring or non-recurring expenditure cannot be anticipated at this stage.

———————

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules to impose fair and reasonable restrictions subject to which public records may be made available to the public. As the rules will relate to matters of detail only, the delegation of power is, therefore, of a normal character.

BILL NO. 169 OF 2014

A Bill to provide for the establishment of permanent Benches of the High Courts in State Capitals where the principal seat or a permanent Bench of the High Court concerned is situated at a place other than the State Capital and for matters connected therewith.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Establishment of Permanent Benches of High Courts at State Capitals Act, 2014.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Establishment of a permanent Bench of the High Court concerned at capital city of every State.

2. (*1*) Notwithstanding anything contained in any other law for the time being in force, where the principal seat or a permanent Bench of the High Court of a State is situated at a place other than the State Capital, the President may, on recommendation of the State Government, by order, provide for the establishment of a permanent Bench of that High Court at the State Capital.

(*2*) The number of Judges who will sit at the permanent Bench at the State Capital shall be such as the Chief Justice of the High Court of that State may from time to time nominate.

(*3*) The permanent Bench at the State Capital shall exercise the jurisdiction and power for the time being vested in the High Court of that State in respect of cases arising in the territories comprising of the State Capital and such other territories within that State as the President may by notification specify.

STATEMENT OF OBJECTS AND REASONS

There have been constant demands from several quarters for establishing permanent Benches of High Courts at State Capitals where the principal seat of the High Court of a State is situated at a place other than the State Capital.

The principal seat of the Kerala High Court is at Ernakulam, which is situated at a distance of 200 kms. from the State Capital, Thiruvananthapuram. Ever since the formation of the State of Kerala in 1956, there has been a demand for the establishment of a permanent Bench at the State Capital.

It has been observed that the State is a principal litigant in a majority of cases pending before various High Courts. This had led to the State Governments incurring considerable expenditure on account of travelling allowance and leave allowance given to the Government employees for travelling from State Capitals to the places of principal seats of the High Courts concerned for depositions.

Moreover, it has been the policy of the successive Governments that justice should be taken to the doors of the litigants and therefore the litigants should not be compelled to travel long distance to reach the Court. In the interest of administration of justice, the court must be easily accessible to the litigants and witnesses.

There is no provision for establishing a permanent Bench of High Court in State Capital in respect of existing States where the principal seat of that High Court exists at a place other than the State Capital. Therefore, it is necessary to enact a legislation providing for establishing a permanent Bench of a High Court of the State in the State Capital on the recommendation of the State Government concerned, where such seat does not exist or the principal seat of that High Court exists at a place other than the State Capital.

Hence this Bill.

NEW DELHI;
November 7, 2014.

SHASHI THAROOR

BILL NO. 156 OF 2014

A Bill to provide for protection to Good Samaritans from civil and criminal liabilities by establishing supportive legal environment; constitution of Good Samaritans Authority; obligations of hospitals and clinics and for matters connected therewith or incidental thereto

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Good Samaritan (Protection from Civil and Criminal Liabilities) and Miscellaneous Provisions Bill, 2014.

(*2*) It extends to the whole of India.

(*3*) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "accident" includes road, railways or air accident;

(*b*) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(*c*) Authority means the Good Samaritan Authority constituted under section 3;

(*d*) "bystander" means a person who is witness to an accident or incident of crime;

(*e*) "emergency response" means reasonable necessary reaction to an accident or incident of crime and includes taking the victim to a hospital in order to save his life or calling in ambulance or police;

(*f*) "Fund" means the Good Samaritan Welfare Fund constituted under section 11;

(*g*) "Good Samaritan" includes a bystander who helps a victim by taking reasonable necessary action to save his life or property;

(*h*) "incident of crime" includes sexual assault, robbery, theft, murder, attempt to murder, kidnapping, attempt to kidnapping and road rage; and

(*i*) "victim" means a victim of an accident or crime.

Constitution of the Good Samaritan Authority.

3. (*1*) The Central Government shall, within a period of six months from the coming into force of this Act, constitute an Authority to be known as the Good Samaritan Authority.

(*2*) The Chairperson of the Authority shall be nominated by the Central Government in such manner, as may be prescribed, from amongst persons of eminence having adequate knowledge of and experience in management, administration, public affair, health services, social work or law.

(*3*) The Authority shall have one representative from each State and Union territory as member, who shall be appointed by the Central Government in consultation with the concerned State Government or the Union territory Administration, as the case may be.

(*4*) The Chairperson and the members of the Authority shall hold office for a period of three years from the date of their appointment.

(*5*) The Authority shall have such number of officers and staff, as may be necessary, for efficient discharge of its functions.

(*6*) The salaries and allowances and other terms of conditions of the officers and staff of the Authority shall be such as may be prescribed.

Functions of the Authority.

4. The functions of the Authority shall be—

(*a*) to receive complaints of harassment or violation of rights of Good Samaritans under this Act and institute legal proceedings against persons involved in such harassment or violation of rights;

(*b*) to process and pay claims of hospitals regarding payment of hospital charges for providing treatment to a victim;

(*c*) to take up mass media campaigns to encourage and sensitise the public in becoming Good Samaritans;

(*d*) to inform the general public about the provisions of this Act and in particular the rights of Good Samaritans in such manner, as it may deem appropriate.

Exemption from civil or criminal liability to Good Samaritan and their rights.

5. (*1*) A Good Samaritan shall not be liable to any civil or criminal liability in respect of anything done or cause to have been done to save the life or property of a victim.

(*2*) Without prejudice to the generality of the foregoing provision, a Good Samaritan, in respect of an accidents or crime in which he helps in saving life or property of a victim, shall have the following rights, namely:—

(*a*) he shall not be required or compelled to file a First Information Report unless he decides otherwise;

(*b*) he shall not be required or compelled to pay any charges for treatment including future treatment to the hospital or clinic in which the victim is brought by him for treatment;

(*c*) unless he so chooses, he shall not be detained by the hospital or any police official for any reason including, but not limited to,—

(*i*) finding or confirming the identity of the victim;

(*ii*) any questioning unless he decides to stay and respond; and

(*iii*) standing as witness or providing evidence to the police or any other person;

(*d*) he shall not be forced to reveal his identity; and

(*e*) he shall not be subject to any force or harassment by any person investigating into or otherwise related to the accident or incident of crime.

(*3*) Where a Good Samaritan chooses to assist in the investigation of an accident or incident of crime,—

(*a*) the police shall act with sensitivity towards him and complete the recording of his statement and all other proceedings relating to him in a timely manner;

(*b*) he shall not be called repeatedly;

(*c*) his statement as a witness in a court of law shall be recorded through video in a single hearing.

Educational institutions to impart training in first-aid and emergency response to students.

6. (*1*) It shall be the duty of every educational institution to impart training in first-aid and emergency response to every student above the age of thirteen years for such duration, as may be prescribed.

(*2*) The training under sub-section (1) shall be imparted once in every academic year.

(*3*) For the purpose of imparting training under sub-section (1), the educational institutions shall take the assistance of such professionals or institutions, as the appropriate Government may, by notification in the Official Gazette, specify.

Appropriate Government to impart training in first-aid and emergency response to its employees.

7. (*1*) It shall be the duty of the appropriate Government to impart training in first-aid and emergency response to all their employees once every year.

(*2*) For the purpose of imparting training under sub-section (1), the appropriate Government shall take the assistance of such professionals or institutions, as it may, by notification in the Official Gazette, specify.

Appropriate Government to organize awareness programmes and workshops.

8. The appropriate Government shall, from time to time, organize and conduct programmes, workshops and seminars to—

(*a*) sensitise the citizens in becoming Good Samaritans;

(*b*) make the citizens aware of emergency response numbers of ambulance service and police assistance; and

(*c*) train the citizens in the art of first-aid and emergency response.

Duty of every hospital and clinic to provide emergency treatment.

9. (*1*) No hospital or clinic shall deny emergency treatment to any victim:

Provided that if the hospital or clinic is not equipped to deal with the emergency treatment, it shall assist in directing the victim to the nearest hospital or clinic where such emergency treatment facility is available.

(*2*) No hospital or clinic shall demand any payment for providing emergency treatment to any victim or deny such treatment if the family members of the victim are unable to make the payment.

(*3*) For reimbursement of charges incurred during emergency treatment of any victim, the hospital or clinic concerned shall apply to the Authority within such period and in such form and manner, as may be prescribed.

(*4*) It shall be the duty of hospital or clinic to inform the police as soon as a victim is brought to the hospital or clinic by a Good Samaritan.

Constitution of Good Samaritan Fund.

10. (*1*) The Central Government shall, by notification in the Official Gazette, constitute a Fund to be known as the Good Samaritan Fund.

(*2*) The Central Government shall, after due appropriation made by Parliament by law in this behalf, credit such sums to the Fund, as may be necessary, for carrying out the purposes of this Act.

Penalty for denial of treatment to victims by hospitals or Clinics.

11. (*1*) Where any physical or mental damage to, or death of, a victim occurs due to denying emergency treatment to him by a hospital or clinic, the licence of such hospital or clinic shall be cancelled and such hospital or clinic shall also be liable to a fine which shall not be less than ten lakh rupees:

(*2*) Notwithstanding anything in sub-section (*1*), no hospital or doctor shall be liable to any civil or criminal liability for any physical damage to, or death of, a victim due to complications during the emergency medical attention:

Provided that nothing in this sub-section shall apply to a case of gross medical negligence by a medical practitioner.

Act to have overriding effect.

12. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

Power to remove difficulties.

13. (*1*) If any difficulty arises in giving effect to the provision of this Act, the Central Govenment may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for removal of the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of the commencement of this Act.

(*2*) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

Power to make rules.

14. (*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

In India, fifteen people die every hour in road accidents. The number of deaths due to road traffic accidents in the last decade is close to one million. In medical care terminology, the term 'Golden Hour' also known as golden time refers to a time period lasting for one hour following an accident or traumatic injury being sustained by a person, during which there is highest likelihood that prompt medical care will prevent death. Yet, a large percentage of people seem unwilling to help injured persons in the road accidents or to victims of violent crimes including rape. The reason for citizens' inaction ranges from fear of harassment by police, payment of cost of medical treatment in hospitals, etc.

There is a an immediate need for framing a policy providing for immediate help to victims of road accidents, crimes and to motivate the bystanders to come forward to help the victims of road accidents, violent crimes, etc. by taking them to nearest hospitals for medical treatment.

Hence this Bill.

NEW DELHI;
November 12, 2014

KIRRON KHER

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the Constitution of the Good Samaritan Authority. Clause 4 provides for processing and payment of claims received from hospitals regarding payment of hospital charges for providing emergency treatment to a victim and to take up mass media campaigns to encourage and sensitise the public in becoming Good Samaritans. Clause 6 provides for imparting training in first-aid and emergency response to every student above the age of thirteen years in all educational institutions. Clause 7 provides for imparting training in first-aid and emergency response to every employee under the State by the appropriate Government. Clause 8 provides for organizing programmes, workshops and seminars to sensitise citizens in becoming Good Samaritans and making them aware in the art of first-aid and emergency response. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees two hundred crore will be involved per annum.

A non-recurring expenditure of rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 14 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the matters will relate to detail only, the delegation of legislative power is, therefore, of a normal character.

BILL NO. 145 OF 2014

A Bill further to amend the Indian Forest Act, 1927

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Forest (Amendment) Act, 2014.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 2.

2. In section 2 of the Indian Forest Act, 1927, in clause (*7*), the word "bamboos" shall be omitted. 16 of 1927.

STATEMENT OF OBJECTS AND REASONS

Bamboo is a scientifically recognized grass. With over 1500 documented uses, including as building material, as medicine and even fiber, bamboo is one of the most useful plants available to mankind. Our country has the largest area under bamboo cultivation and if it is managed well, it can provide steady and sustainable source of livelihood for millions of tribal and rural inhabitants. The use of timber can be reduced and our forests can be saved. It can also help build peace and prosperity in our North-East region from where most of the bamboo yield comes.

The Indian Forest Act, 1927 wrongly classifies bamboo as a tree. It leads to inaccurate classification of felled bamboo as timber whether it originated in Government or private land. It is hence subject not only to Central but also to State Forest Laws. The Planning Commission has estimated that if the bamboo economy realizes its potential of rupees 26000 crore by 2015, it can provide livelihood opportunities to 50 million people. The current regulatory framework has inhibited a viable bamboo economy.

Furthermore, several subsequent legislations and Supreme Court orders stand contrary to the classification of bamboo as a tree in the Indian Forest Act, 1927. They are listed below:—

1. The Panchayats (Extension to the Scheduled Areas) Act, 1996 (40 of 1996) directs the State Governments *vide* section 4(m) (ii), to ensure that the Panchayats at the appropriate level and the Gram Sabhas are endowed specifically with the ownership of minor forest produce. However, "minor forest produce" is not defined in the Act.

2. In a clarification by the Supreme Court *vide* its orders dated 12.12.1996 in T.N. Godavarman Thirumulkpad versus Union of India, it said the orders "does not cover minor forest produce, including bamboo etc." Here, bamboo is considered a minor forest produce.

3. While realizing that this order may have serious implications in National Parks and sanctuaries, the Court revised its stand and in I.A. No. 707, order dated 18.02.2002, it ruled that "cutting of trees does not include bamboo and cane, which really belongs to the grass family, other than those in the national parks and sanctuaries. In other words, no bamboos including cane in national parks and sanctuaries can be cut but the same may be cut elsewhere". Here, bamboo was correctly classified as a grass.

4. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007) *vide* section 2 (i) defines minor forest produce to include "all non-timber forest produce of plant origin including bamboo". Further, it also gave forest dwelling scheduled tribes and other traditional forest dwellers *vide* section 3 (1) (c) the right of "ownership, access to collect, use and dispose of minor forest produce which have been traditionally collected within or outside village boundaries".

The Indian Forest Act, 1927 continues to be the primary legislation in many States. These States follow the definitional pattern in this Act while framing their rules and laws. In view of the above, it is proposed that bamboo be made a non-timber minor produce by declassifying it as a tree in the Indian Forest Act, 1927. The proposed amendment would also bring consistency across all legislations and benefit millions of people with proper rights over this enormously useful renewable resource.

Hence this Bill.

NEW DELHI; P.D. RAI
November 12, 2014.

BILL NO. 177 OF 2014

A Bill to provide for conducting an yearly survey of narcotic drugs and psychotropic substances abuse with a view to ascertain the extent, pattern and trend of drug abuse and for matters connected therewith

Be it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. *(1)* This Act may be called the Narcotic Drugs and Psychotropic Substances Abuse (Survey) Act, 2014.

(2) It extends to the whole of India.

(3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) "Committee" means the Advisory Committee constituted under section 3;

(c) "drug abuse" refers to other than medicinal use by any person of a narcotic drug or a psychotropic substance;

(d) "Fund" means the Narcotic Drugs and Psychotropic Substances Abuse Survey Fund constituted under section 5;

(e) "narcotic drug" shall have the meaning assigned to it in clause (xiv) of section 2 of the Narcotic Drugs and Psychotropic Substances Act, 1985, and includes alcohol, tobacco and other than medicinal use of a drug prescribed by a registered medical practitioner;

61 of 1985.

(f) "prescribed" means prescribed by rules made under this Act; and

(g) "psychotropic substance" shall have the meaning assigned to it in clause (xiv) of section 2 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

61 of 1985.

Constitution of Advisory Committee.

3. *(1)* The Central Government shall, in consultation with the State Governments, constitute an Advisory Committee to conduct yearly survey on drug abuse.

(2) The Committee shall consist of a Chairperson and such number of members including experts, as may be prescribed, to be appointed by the Central Government.

(3) The salary and allowances payable to, and other terms and conditions of service of the Chairperson and members of the Committee, shall be such as may be prescribed.

(4) The Committee shall have its headquarter at Delhi and may establish its offices at such places as it may deem necessary for carrying out the purposes of this Act.

(5) The Central Government shall provide such number of officers and staff, as may be necessary for the efficient functioning of the Committee.

Functions of the Committee.

4. The Committee shall—

(i) collect and maintain year-wise information on the extent and pattern of drug abuse, including risk-based classification of population segments, at both national and State levels;

(ii) assess the social, cultural, economic, geographical and behavioural characteristics associated with drug abuse;

(iii) study the community knowledge, attitudes and perceptions towards drug abuse;

(iv) suggest measures to address drug abuse in consultation with the State Governments and Union territory Administrations;

(v) submit periodical reports to the Central Government on extent, trend and pattern of drug abuse in such form and manner, as may be prescribed, to the Central Government; and

(vi) perform such other functions as may be assigned to it by the Central Government for the purposes of this Act.

Constitution of the Narcotic Drugs and Psychotropic Substances Survey Fund.

5. *(1)* The Central Government shall constitute a Fund to be known as the Narcotic Drugs and Psychotropic Substances Survey Fund.

(2) The Fund shall be administered by the Chairperson of the Committee to meet the expenditure in connection with any work relating to yearly survey under this Act.

Central Government to credit monies into the Fund.

6. The Central Government shall, after due appropriation made by Parliament by law in this behalf, credit such sums into the Fund, as may be necessary for carrying out the purposes of this Act.

Power to Make Rules.

7. *(1)* The Central Government may, by notification in Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament or, as the case may be, each House of the State Legislature, while it is in session, for a total period of thirty days which may be comprised in one session or two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive session aforesaid, Parliament or, as the case may be, the State Legislature agrees in making any modification in the rule or agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Alcoholism and drug abuse is a multifaceted problem and is a major cause of concern among all age groups and social strata, including women and children. The geographical location of the country further makes it highly vulnerable to the problem of narcotic drugs and psychotropic substances abuse.

As per the National Survey Report on the extent, pattern and trends of drug abuse in India, sponsored by the Ministry of Social Justice and Empowerment and the United Nations Office on Drugs and Crime, Regional Office South Asia, published in 2004, alcohol, cannabis, opium and heroin were the major substances of abuse in India. The survey reported regional differences, with high prevalence of drug abuse particularly in the border States and North-Eastern region.

Experts suggest that the trends and patterns of drug abuse are dynamic and change frequently. There is a need to undertake continuous assessment to determine the changing prevalence, incidence and nature of narcotic drugs and psychotropic substances abuse in the country and to suggest measures to deal with the problem in a befitting manner. Therefore, it is proposed to conduct an yearly survey to understand the extent, pattern and trend of narcotic drugs and psychotropic substances abuse, in order to assess the impact of current policy interventions and suggest appropriate measures to address the issue.

Hence this Bill.

NEW DELHI; P.D. RAI
November 12, 2014.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for Constitution of an Advisory Committee to conduct an yearly survey on narcotic drugs and psychotropic substances abuse in the country, Clause 5 provides for constitution of a Narcotic Drugs and Psychotropic Substances Survey Fund to meet expenditure in connection with any work relating to yearly survey. Clause 6 provides for supply of funds to the Narcotic Drugs and Psychotropic Substances Survey Fund by the Central Government. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about one hundred crore is likely to be incurred from the Consolidated Fund of India.

A non-recurring expenditure of about rupees five hundred crore is also likely to be incurred.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rule relate to matter of detail only, the delegation of legislative power is, therefore, of a normal character.

BILL NO. 143 OF 2014

A Bill to provide for constitution of a Commission to study and report on border disputes between the States and to recommend the Central Government the reorganization of States and for matters connected therewith.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the States Reorganisation Commission Act, 2014.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "Commission" means the States Reorganisation Commission constituted under section 3; and

(*b*) "prescribed" means prescribed by rules made under this Act.

Constitution of States Reorganisation Commission.

3. The Central Government shall, by notification in the Official Gazette, constitute a Commission to be known as the States Reorganisation Commission to study and report on the border disputes between States and reorganization of States.

Composition of Commission.

4. (*1*) The Commission shall consist of a Chairperson and two other members to be appointed by the Central Government in such manner as may be prescribed.

(*2*) The salary and allowances payable to, and other terms and conditions of service of the Chairperson and members of the Commission, shall be such as may be prescribed.

(*3*) The Central Government shall provide such number of officers and staff to the Commission as may be required for its efficient functioning.

Functions of the Commission.

5. (*1*) The Commission shall perform such function with regard to border disputes between States and reorganization of States, as may be assigned to it by the Central Government.

(*2*) The Commission shall, while recommending reorganization of States, take into consideration the following—

(*a*) geographical areas and conditions of States;

(*b*) the language spoken by people in border areas of the States; and

(*c*) traditions followed by people in border areas.

Report of the Commission.

6. (*1*) The Commission shall, as soon as possible, but not later than one year from the date of its constitution, prepare and submit a report to the Central Government.

(*2*) The Central Government shall, after considering the report, cause to be laid an action taken report on the recommendations of the Commission before each House of the Parliament.

Power to make rules.

7. (*1*) The Central Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

(*2*) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

There are a large number of cases of border disputes between States. Belgam issue of Maharashtra is one of them. Likewise, problems persist between many States in the country. Therefore, in order to resolve the issue of border disputes and reorganization of States, a States Reorganisation Commission is proposed to be constituted to study and report to the Central Government for resolution of outstanding border issues between two or more States.

Hence this Bill.

NEW DELHI;
November 12, 2014

CHANDRAKANT KHAIRE

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for constitution of a States Reorganisation Commission to study and report on border disputes between States and reorganization of States. Clause 3 provides for appointment of a Chairperson and other members to the Commission. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees one crore per annum.

A non-recurring expenditure of about rupees fifty lakhs is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 164 OF 2014

A Bill to provide for compulsory voting by the electorate in the country and for matters connected therewith.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Compulsory Voting Act, 2014.

(*2*) It extends to the whole of India.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Voting to be compulsory for all citizens.

2. (*1*) On and from the date of commencement of this Act, it shall be compulsory for every citizen, who is eligible to vote at an election, to exercise his right to vote at an election when called for by the Election Commission:

Provided that a citizen may be exempted from exercising his right to vote—

(*a*) if he is physically incapacitated due to old age or an illness of a serious nature and produces a medical certificate from a registered medical practitioner certifying such incapacity; or

(*b*) if he is physically challenged and is unable to go to a polling booth on his own; or

(*c*) if she is a pregnant woman and not in a position to withstand the physical strain; or

(*d*) if he, in the opinion of the Election Commission, suffers from a disability or infirmity of a nature, which makes him incapable of going to the polling booth on his own; or

(e) if he is undergoing indoor treatment in a hospital.

(*2*) Notwithstanding anything in sub-section (*1*), the Election Commission may allow a suitable attendant to aid or facilitate a citizen, exempted from exercising his right to vote, to exercise his right, if he makes a request to the Election Commission to this effect.

Adequate number of polling booths.

3. (*1*) It shall be the duty of the Election Commission to set up adequate number of polling booths at convenient locations, in every Assembly and Parliamentary constituency.

(*2*) The polling booths shall be set up in such a way that the distance between two polling booths does not exceed one kilometre:

Provided that in hilly, forest or desert regions, the Election Commission may set up mobile polling booths according to geographical convenience and density of population.

Facilities to be provided to persons who cast their vote.

4. Subject to such rules as may be prescribed, any citizen who is eligible to vote at an election and exercises his right to vote shall be provided with the following facilities:—

(*a*) foodgrains and other consumable items at subsidized rates through the public distribution system;

(*b*) social security benefits including old age pension, disability pension and healthcare facilities;

Punishment.

5. (*1*) The Election Commission shall cause to be prepared a list of names of all eligible citizens, who have not cast their votes, and submit it to the Central Government or the State Government, as the case may be.

(*2*) Any citizen, who fails to cast his vote shall—

(*i*) be liable to a fine of rupees five hundred for first failure and rupees ten thousand for each subsequent failure;

(*ii*) be rendered ineligible to contest any election for a period of ten years from the date he failed to cast his vote;

(*iii*) be not eligible for any service under the Government;

(*iv*) be not eligible for any housing scheme launched by the Government;

(*v*) be not eligible to draw any foodgrain from public distribution system; and

(*vi*) be not eligible to subsidy in any form by the Government.

Power to make rules.

6. (*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

India is the largest democracy in the world. It has a strong Parliamentary System. Since 1951, free and fair elections to the Houses of Parliament, State Legislatures and local bodies have been held at regular intervals. Indian elections are a benchmark for many other countries.

At present a candidate is declared as elected even if he secures one vote more than the votes polled to his nearest candidate. Though he has won the seat, yet he may not have the support of even half of the electors. In the true sense, he is not representing the constituency from which he has been elected.

The percentage of votes polled at every election is decreasing which shows that people are not willing to participate in the election process. Sometimes in some of the constituencies, as low as thirty per cent. of the total votes are polled.

Therefore, it is proposed to make voting compulsory so that the people can participate in a large number. It is also proposed to provide certain incentives to those voters who exercise their right to vote in elections to the House of the People or State Legislatures. It is also proposed to provide certain punitive measures to those who do not exercise their right to vote.

Hence this Bill.

NEW DELHI;
November 12, 2014

CHANDRAKANT KHAIRE

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for setting up of adequate number of polling booths in every constituency during election. Clause 4 provides for certain facilities to those voters who cast their votes at an election. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees two hundred crore is likely to be involved.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. Since the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 161 OF 2014

A Bill to provide for the constitution of a Commission for the formation of a separate State of Vidarbha by reorganization of the existing State of Maharashtra and for matters connected therewith.

BE it enacted by Parliament in the Sixty-fifth year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Commission for the Formation of the State of Vidarbha Act, 2014.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "prescribed" means prescribed by rules made under this Act; and

(*b*) "Vidarbha" includes the districts of Chandrapur, Gadchiroli, Wardha, Nagpur, Bhandara, Gondia, Washim, Akola, Buldhana, Yavatmal and Amravati in the State of Maharashtra.

Commission for the formation of a separate State of Vidarbha.

3. The Central Government shall, by notification in the Official Gazette, constitute a Commission to study and report on the formation of a separate State of Vidarbha by reorganization of the existing State of Maharashtra.

Composition of the Commission.

4. (*1*) The Commission shall consist of:—

(*i*) a retired judge of the Supreme Court who shall be the Chairperson; and

(*ii*) four Members having at least ten years experience in the field of social service in the Vidarbha region or having special knowledge in the field of regional development, who shall be appointed in such manner as may be prescribed.

(*2*) The salary and allowances payable to, and other terms and conditions of service of the Chairperson and members of the Commission, shall be such as may be prescribed by the Central Government.

(*3*) The Commission shall have its office at Nagpur in the State of Maharashtra.

(*4*) The Central Government shall provide such number of officers and staff to the Commission as are required for its efficient functioning.

Term of the Commission.

5. (*1*) The Commission shall complete its work within a period of one year from the date of its first sitting.

(*2*) After the completion of its work, the Commission shall submit a report to the Central Government.

Functions of the Commission.

6. (*1*) The Commission shall perform such functions with regard to formation of a separate State of Vidarbha as may be assigned to it by the Central Government.

(*2*) Without prejudice to the generality of the foregoing provision, the Commission shall also consider the following:—

(*i*) allocation of assets to the proposed State of Vidarbha;

(*ii*) allocation of government employees and officers to the proposed State of Vidarbha;

(*iii*) delimitation of constituencies for elections to the House of the People and State Legislative Assemblies; and

(*iv*) allocation of water and natural resources to the proposed State of Vidarbha.

Central Government to provide adequate funds.

7. The Central Government shall, after due appropriation made by Parliament by law in this behalf, pay to the Commission by way of grants such sums of money as the Central Government may think fit for the purposes of this Act.

Power of the Commission to call upon or secure assistance.

8. The Commission shall have the power to call upon and secure the assistance of any office or agency under the administrative control of the existing State of Maharashtra for carrying out the functions assigned to it under this Act.

Power to make rules.

9. (*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

(*2*) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The demand for a separate State of Vidarbha is getting strong due to continuous negligence of this region. The proposal for the State of Vidarbha was approved in 1918 by All India Congress Committee and reiterated again in 1928 at its National Session. The proposal for a separate State of Vidarbha for Marathi speaking people was also approved in the Madhya Pradesh Legislative Assembly in 1938. On 8 August, 1947 the then Marathi leaders agreed that two independent States for Marathi speaking people be formed under the Akola Pact. It was again reiterated under the Nagpur Pact on 28 September, 1953 in reference to reorganization of States. Under this Pact, funds and session for legal division at Nagpur in proportion of the population for the development of Vidarbha was decided to be called.

The Fazal Ali Commission constituted in 1953 by the Central Government recommended for the creation of a separate State of Vidarbha in its State Reorganization Report (1955). The Commission have made it clear in its Report that the separate State of Vidarbha will be practically and financially viable. However, due to political considerations, the recommendation of the Fazal Ali Commission was not accepted, and in an effort to give a constitutional cover to the Nagpur Pact, the Constitution was amended in 1956 and Section 371(2) was inserted in the Constitution. As per this constitutional amendment, equitable allocation of funds for development, arrangement of adequate facilities for technical education and vocational training, and providing adequate employment opportunities in services under the State Government, were made the responsibilities of the Governor in the State of Maharashtra and Gujarat. In 1960, the State of Maharashtra was created but the promises and assurances given at the time of inclusion of Vidarbha region in Maharashtra were not fulfilled. Due to continuous apathy shown for Vidarbha region by successive Government in Maharashtra, there has been least development in the region. Dr. Dandekar Committee, constituted in 1982, confirmed the losses to Vidarbha, and despite its recommendation to fulfil the aspirations for development of people of Vidarbha and allocate backlog fund, injustice is continued to be done to Vidarbha. Due to the diversion of funds allocated for the development of Vidarbha elsewhere and keeping the people of Vidarbha underdeveloped, the people of Vidarbha got annoyed with Maharashtra.

The people of Vidarbha are of the opinion that the creation of a separate State of Vidarbha is the only solution to ensure development and prosperity of the region. Thus, honouring the highest desire of the people of Vidarbha, the Central Government needs to take necessary steps to bifurcate Maharashtra and form a separate State of Vidarbha. This Bill provides for constituting a Commission for formation of a separate State of Vidarbha.

Hence this Bill.

NEW DELHI;
November 12, 2014.

ASHOK MAHADEORAO NETE

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the Constitution of a Commission for the formation of a separate State of Vidarbha. Clause 4 provides for the salary and allowances of the Chairperson and members of the Commission. Clause 7 provides for grant of adequate funds to the Commission by the Central Government. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of rupees twenty crore per annum would be involved.

A non-recurring expenditure of about rupees five crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Bill.

As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 154 OF 2014

A Bill further to amend the Forest Conservation Act, 1980.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Forest (Conservation) Amendment Act, 2014.

Insertion of new section 3C.

2. After section 3B of the Forest (Conservation) Act, 1980, the following section shall be inserted, namely:— 69 of 1980.

Clearance for deforestation for irrigation projects by District Collector.

"3C. Notwithstanding anything contained in sections 2 and 3, or any other law for the time being in force, when a forest land or any part thereof, is required for any work relating to irrigation project, the clearance for the deforestation of the forest land may be given by the District Collector in whose jurisdiction the forest area falls.".

STATEMENT OF OBJECTS AND REASONS

The Forest Conservation Act, 1980 was enacted with a view to conserve forests and to protect environment and ecology. It is indeed a laudable initiative. But, the provisions in this Act come in the way of developmental work which are undertaken for the benefit of population at large. Any initiative, although it is very good, should not come in the way of development. Farmers depend upon irrigation for agricultural purposes. But irrigation projects are not being taken up because of the provisions of this Act.

It is, therefore, proposed that irrigation projects shall be exempted from the purview of the Forest Conservation Act, 1980.

Hence this Bill.

NEW DELHI;
November 12, 2014

ASHOK MAHADEORAO NETE

BILL NO. 162 OF 2014

A Bill to provide for unemployment allowance to all unemployed persons and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Unemployment Allowance Act, 2014.

(*2*) It shall come into force on such date as the Central Government may by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "prescribed" means prescribed by rules made under this Act; and

(*b*) "unemployed person" means a citizen of India above the age of eighteen years having no source of livelihood.

Unemployment allowance to unemployed persons.

3. (*1*) Every unemployed person shall be entitled to receive monthly unemployment allowance at such rate as may be prescribed, till the time he is gainfully employed.

(*2*) While fixing the rate of unemployment allowance, the Central Government shall take into account the age, educational qualifications, technical skills, physical disabilities and such other factors, as it may deem necessary:

Provided that different rates of unemployment allowance may be prescribed for different categories of persons and for persons living in different States or parts of States.

Central Government to provide funds.

4. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds to the State Governments for the purpose of payment of unemployment allowance to unemployed persons in the States.

Power to make rules.

5. (*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

There are a large number of unemployed persons in the country. Even after getting educational qualifications, a good number of youth are not getting gainful employment.

It is, therefore, proposed that all unemployed youth shall be entitled to unemployment allowance till they get gainful employment.

Hence this Bill.

NEW DELHI;
November 12, 2014.

ASHOK MAHADEORAO NETE

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that every unemployed person shall be entitled to receive monthly unemployment allowance at such rate as the Central Government may fix after taking into consideration certain factors. Clause 4 provides that the Central Government shall provide adequate funds to the State Governments for payment of unemployment allowance to unemployed persons in the States. The Bill, therefore, if enacted will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of about rupees one thousand crore will be involved as recurring expenditure per annum.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is, therefore, of a normal character.

BILL NO. 178 OF 2014

A Bill to provide for constitution of a Committee to recommend conferring of civilian awards on persons having outstanding contributions in different fields

BE it enacted by Parliament in the Sixty-fifth year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Civilian Awards (Recommendation Committee) Act, 2014.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "civilian award" includes Bharat Ratna, Padma Vibhushan, Padam Bhusan, Padam Shri, Arjun Award and such other award for outstanding contribution in such fields, as the Central Government may by notification in the Official Gazette, specify, but does not include Gallantry Awards conferred on personnel of Armed Forces;

(*b*) "Committee" means the Civilian Awards Recommendation Committee constituted under section 3; and

(*c*) "prescribed" means prescribed by rules made under this Act.

Constitution of the Civilian Awards Recommendation Committee.

3. (*1*) The Central Government shall, within a period of six months from the coming into force of this Act, constitute a Committee to be known as the Civilian Awards Recommendation Committee for the purpose of selecting the names of persons to be conferred with civilian awards.

(*2*) The Chairperson of the Committee shall be nominated by the Central Government in such manner, as may be prescribed, from amongst persons of eminence having adequate knowledge and experience in social work, administration, public affairs, health, science or law.

(*3*) The Committee shall have one representative from each State and Union territory as member, who shall be appointed by the Central Government in consultation with the concerned State Government or the Union territory Administration, as the case may be.

(*4*) The Chairperson and the members of the Committee shall hold office for a period of three years.

(*5*) The salary and allowances payable to and other terms and conditions of the Chairperson and other members shall be such as may be prescribed.

(*6*) The Central Government shall provide such number of Officers and staff to the Committee, as may be necessary, for its efficient functioning.

Committee to recommend the names for civilian award.

4. (*1*) The Committee shall recommend to the Central Government the names of persons to be considered for conferring a civilian award.

(*2*) The Committee shall, while recommending a name under sub-section (*1*), take into consideration the outstanding contribution of a person in the field of music and fine arts, social service, medicine, science, teaching, sports, politics or any other discipline as it may deem fit.

Central Government to give due consideration to the recommendation of the committee.

5. (*1*) The Central Government shall, while finalising names of persons for conferring a civilian award, give due consideration to the names recommended by the Committee.

(*2*) The Central Government may consider name of any person other than those recommended by the Committee for conferring a civilian award.

Certain facilities and cash award to person conferred with a civilian award.

6. A person conferred with a civilian award shall be entitled to such facilities and cash award as may prescribed.

Power to make rules.

7. (*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Awards are sign of pride and honour. Civilian awards are given to common people for their extraordinary deeds in different fields every year. However, there is no mechanism to search the most eligible persons and highlight their extraordinary deeds while considering the names for conferring civilian awards. There have been complaints from several quarters for non-inclusion of names of eligible persons for their exceptional work in public service or for advancement of art, literature, science, etc. One such person, *Pandit Tukdoji* in the State of Maharashtra has made an immense contribution in social reforms among rural population, but he has not been conferred any suitable award so far.

The present Bill seeks to provide for constitution of a Committee to recommend conferring of civilian awards on persons of outstanding contribution in different fields of society.

Hence this Bill.

NEW DELHI; ASHOK MAHADEORAO NETE

November 12, 2014.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for constitution of a Committee to be known as the Civilian Awards Recommendation Committee for the purpose of selecting the names of persons to be conferred with Civilian Award. Clause 6 provides for certain facilities and cash award for persons conferred with civilian award. The Bill, therefore, if enacted will involve expenditure from the Consolidated Fund of India. A recurring expenditure of about rupees one crore will be involved per annum.

A non-recurring expenditure of about rupees fifty lakh is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the matters will relates to detail only, the delegation of legislative power is, therefore, of a normal character.

BILL NO. 138 OF 2014

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 2014.

Insertion of new articles 21B, 21C and 21D.

2. After article 21A of the Constitution, the following new articles shall be inserted,—

Right to shelter.

"21B. Every citizen shall have the right to shelter in such manner as Parliament may, by law, determine.

Explanation:.—For the purpose of this article, "shelter" means a dwelling unit with all basic civic amenities.

Right to safe and adequate drinking water.

21C. (*1*) Every citizen shall have the right to safe and adequate quantity of drinking water.

(*2*) The State shall, within a period of five years from the date of coming into force of this Act, provide adequate number of hand pumps or piped water connections in every village or habitation in order to ensure adequate availability of safe drinking water to every citizen.

Right to work.

21D. Every citizen who has attained the age of eighteen years shall have the right to work in such manner as Parliament may, by law, determine.".

STATEMENT OF OBJECTS AND REASONS

The Constitution gives us a number of fundamental rights in order to enable the citizens to live with dignity. To live with dignity, there is need for a large number of things but the most basic among them are shelter, water and means of livelihood. Unless these are secured, there cannot be dignity in life. Shelter is one of the basic necessities for sustaining the life. Right to life and other similar rights guaranteed by the Constitution for the well being of citizens will be worthless if citizens remain without shelter. A shelter without a source of potable water nearby is an incomplete dwelling unit. Similarly, growing unemployment has led to resorting to arms and indulgence in extremist activities by youth of the country. Hence, it is necessary that right to shelter along with a source of potable water nearby and employment be guaranteed and made fundamental rights.

Hence this Bill.

NEW DELHI;
November 12, 2014.

C.R. PATIL

FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to insert new articles 21B, 21C and 21D in the Constitution, with a view to making right to shelter, right to safe and adequate drinking water and right to work as fundamental rights of the citizens. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of rupees fifty thousand crore per annum will be involved.

No non-recurring expenditure is likely to be involved.

BILL NO. 170 OF 2014

A Bill to provide for special financial assistance to the State of Gujarat for promoting the welfare of girl child, reduction of maternal and infant mortality rate and welfare of agricultural labourers in the State.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

Short title and Commencement.

1. *(1)* This Act may be called the Special Financial Assistance to the State of Gujarat Act, 2014.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Special financial assistance to the State of Gujarat.

2. There shall be paid such sums of moneys out of the Consolidated Fund of India, every year, as Parliament may by due appropriation provide, as special financial assistance to the State of Gujarat to meet the costs of such schemes of development, as may be undertaken by the State for the purpose of:—

(*i*) implementation of schemes aimed at improving the health of girl child, increasing sex-ratio, improving educational standards of the girl child;

(*ii)* implementation of schemes aimed at encouraging the education of girl students belonging to families living below poverty line;

(*iii*) providing for welfare measures aimed at improving the condition of agricultural labourers; and

(*iv*) providing for measures aimed at lowering of infant mortality rate, improving the maternal health and promoting institutional delivery in the State.

Act not in derogation of any other law.

3. The provisions of this Act shall be in addition to and not in derogation of any other law to be made by Parliament or for the time being in force.

STATEMENT OF OBJECTS AND REASONS

The State of Gujarat needs assistance from the Central Government for the successful completion of various schemes being undertaken at present with an aim to improve the standard of life of the people, improve the sex-ratio and level of education and health condition of the girls, to encourage the girl students of families living below poverty line to pursue higher education and also to provide incentives for people living below poverty line to pursue higher education. Moreover the condition of agricultural labourers in the State is far from satisfactory and their welfare and protection is of paramount importance. Central assistance to the State is also needed for further reduction in the maternal and infant mortality rates.

Hence the Bill seeks to provide special financial assistance to the State of Gujarat for meeting the above objectives.

NEW DELHI; C.R. PATIL
November 12, 2014.

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that there shall be paid such sums of monies out of the Consolidated Fund of India, every year, as Parliament may by due appropriation provide, as special financial assistance to the State of Gujarat to meet the costs of such schemes of development, as may be undertaken by the State for the welfare of women and agricultural labourers.

The Bills, therefore, on enactment, will involve expenditure out of the Consolidated Fund of India for providing special financial assistance to the State of Gujarat. As the sums of moneys which will be given to the State of Gujarat as special financial assistance by appropriation by law made by Parliament will be known only after the welfare schemes to be implemented by the State Government are identified, it is not possible to give the estimates of recurring or non-recurring expenditure, which would be involved out of the Consolidated Fund of India at this stage.

BILL NO. 175 OF 2014

A Bill to provide for abolition of begging and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Abolition of Begging Act, 2014.

(*2*) It extends to the whole of India.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*i*) "begging" shall have the same meaning as is assigned to it in clause (*a*) of sub-section (*4*) of section 363A of the Indian Penal Code 1860; and

45 of 1860.

(*ii*) "prescribed" means prescribed by rules made under this Act.

Abolition of begging.

3. Begging by any person in any manner is hereby abolished.

Punishment for forcing others into begging.

4. Any person who forces another person into begging shall be punished with imprisonment which shall not be less than five years.

Establishment of rescue homes for rehabilitation of beggars.

5. (*1*) Any person found begging shall be taken into custody by the police and sent to the nearest rescue home, to be established in each District and by the Union Government or the State Government, as the case may be, wherein such person shall be provided with facilities for rehabilitation.

(*2*) The expenditure in respect of eastablishing rescue homes under section (*1*), shall be borne by the Central Government and the State Governments in such ratio as may be prescribed.

Power to make rules.

6. (*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Report to be laid in Parliament.

7. The Central Government shall lay a report in both Houses of Parliament every year on the progress of the implementation of the provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

In spite of various measures taken by the Government and various social organisations to help the downtrodden and handicapped, begging has not stopped in the country. The number of beggars has been increasing in big cities everyday. Sometimes, young boys and girls are forced by their parents to take to begging. Even after sixty-seven years of independence, the problem of begging is increasing day by day. It has, therefore, become necessary that legislation should be brought forward to abolish begging and to provide for rehabilitation of beggars.

Hence this Bill.

NEW DELHI;
November 12, 2014.

C.R. PATIL

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for establishment of rescue homes in each district by the Union Government or the State Government, as the case may be, wherein beggars will be provided with facilities for their rehabilitation. Moreover, the expenditure in respect of establishing rescue homes shall be borne by the Central Government and the State Governments in such ratio as may be prescribed. The Central Government would have to incur expenditure from the Consolidated Fund of India for establishment of rescue homes in respect of Union territories. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. An annual recurring expenditure of about rupees five hundred crore is likely to be incurred from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 146 OF 2014

A Bill further to amend the Electricity Act, 2003.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Electricity (Amendment) Act, 2014.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Substitution of new section for section 4.

2. For section 4 of the Electricity Act, 2003 (hereinafter referred to as the principal Act), the following section shall be substituted, namely:— 36 of 2003.

National Policy on stand alone systems for rural areas and non-conventional energy systems.

"4. (*1*) The Central Government shall, after consultation with the State Governments, prepare and notify a national policy, permitting stand alone systems (including those based on renewable sources of energy and other non-conventional sources of energy) for rural areas within six months from the date of coming into force of this Act.

(*2*) The Central Government and the concerned State Governments shall jointly create necessary infrastructure in rural areas to harness solar power and other forms of renewable energy to ensure access to electricity to every rural household by the year 2020.".

Amendment of section 6.

3. In section 6 of the principal Act, for the words "electrification of households" the words "electrification of households by the year 2020" shall be substituted.

Insertion of new section 6A.

4. After section 6 of the principal Act, the following section shall be inserted, namely:—

National policy on promotion of use of renewable sources of energy.

"6A. (*1*) The Central Government shall, in consultation with the State Governments, as soon as possible but not later than six months from the date of coming into force of this Act, prepare and notify a national policy aimed at encouraging the use of renewable sources of energy to ensure electrification in rural and urban areas.

(*2*) The Central Government shall, by notification in the Official Gazette, constitute a Fund to—

(*i*) ensure availability of financial resources for the promotion and use of renewable sources of energy;

(*ii*) promote research and innovation in the use of renewable sources of energy;

(*iii*) provide incentives like subsidies or financial assistance to persons who opt for use of non-renewable energy; and

(*iv*) provide incentives for setting up of small scale industry based on solar energy.

(*3*) The Central Government shall, in consultation with the State Governments and the Appropriate Commission, set the target to be achieved by the States regarding use of renewable sources of energy in generation of electricity.".

STATEMENT OF OBJECTS AND REASONS

The Electricity Act, 2003, seeks to provide, *inter alia,* for generation, transmission, distribution, trading and use of electricity to all areas. The Act was further amended in 2007 to give effect to certain changes that were considered necessary.

As per census 2011 figures, close to 45 per cent. of rural India lack access to electricity. Hence, it becomes essential to formulate a time bound dynamic national policy permitting stand alone systems for the use of renewable sources of energy.

The census further indicates that 43 per cent. of India's rural households continue to depend on kerosene for lighting. The usage of kerosene for domestic heating and lighting leads to respiratory diseases and impaired eyesight. Therefore, in order to harness a clean, cost-effective and safe source of energy, necessary programmes are required to be framed and implemented in rural areas by the State Governments concerned.

Section 6 of the parent Act provides that the concerned State Governments and the Central Government shall jointly endeavour to provide access to electricity to all areas including villages and hamlets through rural electricity infrastructure and electrification of households. However, more than 33 per cent. of Indian households are still have no access to electricity. Moreover, even in cities, households suffer on account of shortage of power. Therefore, a time-frame to ensure that 400 million people get access to electricity and the mechanism adopted by the Central and the State Governments to resolve these issues is vital.

India is already the fourth largest energy consumer in the world. The Indian economy is fast growing. But, millions of households in the country still lack sufficient energy access. Increasing dependence on oil imports for meeting the country's rising energy needs is becoming a major concern for India's energy security. In light of the above factors, equal stress needs to be put on utilization of the renewable energy sources for generating power in the country. This requires substantial amount of scaling up of renewable energy systems, in addition to conventional systems to cater to needs of different economic and social segments.

Hence this Bill.

NEW DELHI;
November 12, 2014

ARJUN MEGHWAL

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for creation of necessary infrastructure to harness solar power and other sources of renewable energy to ensure electrification to rural households by the year 2020. Clause 4 provides for preparation of a national policy aimed at encouraging the use of renewable sources of energy to ensure electrification in rural and urban areas and constitution of a Fund in this regard.

The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees ten thousand crore per annum.

A non-recurring expenditure of about rupees two thousand crore is also likely to be involved.

BILL NO. 149 OF 2014

A Bill to provide for the constitution of an authority for the purpose of protection of cow and its progeny in the country and similar authorities at the State level and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

Short title and extent.

1. (*1*) This Act may be called the Cow Protection Authority Act, 2014.

(*2*) It extends to the whole of India.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "Authority" means the National Cow Protection Authority established under section 4;

(*b*) "cow" includes its progeny and bulls and bullocks; and

(*c*) " prescribed" means prescribed by rules made under this Act.

Prohibition of Slaughter of Cow and its progeny.

3. Notwithstanding anything contained in any other law for the time being in force or any usage or custom to the contrary, no person shall cause any injury or kill or attempt to kill, for any reason whatsoever, any cow in the country.

Establishment of National Cow Protection Authority.

4. The Central Government shall establish an Authority to be known as the National Cow Protection Authority for the protection and overall development of cow and its progeny.

Composition of National Cow Protection Authority.

5. (*1*) The Authority shall consist of :—

(*i*) a Chairperson, who shall be an expert in the discipline of rural economy having not less than twenty years of experience in that field, to be appointed by the Central Government; and

(*ii*) twenty members, having not less than ten years experience of teaching/ working in the field of rural economy and animal husbandry, to be nominated by the Central Government in consultation with State Governments.

(*2*) The Chairperson and other members of the Authority shall hold office for a period of five years.

(*3*) The headquarters of the Authority shall be at Nagpur in the State of Maharashtra.

(*4*) The salary and allowances payable to, and other terms and conditions of the Chairperson and the members of the Authority shall be such as may be prescribed.

(*5*) The Central Government shall provide such number of officers and staff to the Authority as may be required for its efficient functioning.

(*6*) The salary and allowances payable to, and other terms and conditions of the officers and staff of the Authority shall be such as may be prescribed.

Establishment of State Cow Protection Authority.

6. (*1*) The Central Government shall establish an Authority for the protection and overall development of cow and its progeny in each State/Union territory to be known as the State Cow Protection Authority or the Union territory Cow Protection Authority, as the case may be.

(*2*) The State Authority shall consist of:—

(*i*) a Chairperson, who shall be an expert in the discipline of rural economy having not less than fifteen years of experience in that field, to be appointed by the National Authority in such manner as may be prescribed; and

(*ii*) ten members, having not less than ten years experience of teaching/ working in the field of rural economy and agriculture, to be nominated by the National Authority in such manner as may be prescribed.

(*3*) The Chairperson and other members of the State Authority shall hold office for a period of five years.

(*4*) The salary and allowances payable to, and other terms and conditions of the Chairperson and the members of the State Authority shall be such as may be prescribed.

(*5*) The State Authority shall function under the overall guidance and control of the National Authority.

7. The Authority shall perform the following functions:— Functions of the National Authority.

(*a*) Collection and compilation of data pertaining to different varieties/hybrids of cows found in the country;

(*b*) conducting comprehensive cow census once in every three years;

(*c*) monitoring slaughter-houses in the country with a view to ensuring that no cow is slaughtered there;

(*d*) improving the breed of cows through various scientific processes including artificial insemination;

(*e*) publicise and propagate the importance of cow for the Indian economy through public awareness campaigns, newspapers and audio-visual media;

(*f*) promoting the use of modern animal husbandry techniques to increase milk productivity of indigenous cow;

(*g*) promote and propagate the use of ayurvedic medicines prepared with the use of contents of cow milk, *gobar and gomutra* among masses through print or electronic media;

(*h*) functioning as a resource centre in respect of *ayurvedic* or other medicines based on cow milk, *gobar and gomutra* and providing financial assistance for its promotion;

(*i*) promoting and propagate the manufacturing of medicines with the help of contents of cow milk, *gobar and gomutra*;

(*j*) increasing public awareness for greater use of cow dung as a manure as a substitute for chemical fertilizers and making available the same to the farmers at reasonable rates;

(*k*) providing assistance and guidance for developing local grazing grounds for cows in such manner as may be prescribed;

(*l*) monitoring the implementation of ban on export of beef from slaughter houses or from any other place in the country;

(*m*) promoting the production and export of milk and milk-based products;

(*n*) providing assistance to State Authorities for the loss of cow and other infrastructure during natural calamities;

(*o*) providing for the care of sick, old and infirm cows;

(*p*) construction of cow shelters with the provision of adequate facilities including veterinary doctors and other support staff;

(*q*) providing financial assistance for construction of veterinary hospitals for the treatment of cow;

(*r*) providing necessary assistance and guidelines for promotion of *gobar* gas plants;

(*s*) tendering advice to State Governments/Union Territory Administrations on issues arising out of implementation of the provisions of the Act; and

(*t*) such other functions as may be assigned to it by the Central Government.

8. The State/Union Territory Authority shall perform the following functions:— Functions of the State/ Union Territory Authority.

(*i*) formation of special squads at district levels for enforcement of the provision of ban on slaughter of cow and its progeny;

(*ii*) monitoring slaughter-houses within their jurisdiction with a view to ensuring that no cow is slaughtered there;

(*iii*) taking the assistance of State Authorities in implementation of the provisions of this Act;

(*iv*) moving the cows seized from the slaughter houses to the nearest cow shelter constructed for the purpose; and

(*v*) such other functions as may be assigned to it by the National Authority.

Punishment.

9. (*1*) Whoever kills or attempts to kill or abets the killing of cow shall be punished with rigorous imprisonment for a term which shall not be less than two years but may extend to seven years and also with fine which may extend to ten thousand rupees.

(*2*) Whoever causes injury to a cow shall be punished with fine which may extend to five thousand rupees.

(*3*) Whoever indulges in export or import of cows for the purpose of slaughtering or indulges in trading in beef or attempts to indulge in or abets such acts shall be punished with imprisonment which may extend to five years and with fine which may extend to ten thousand rupees.

Central Government to provide adequate funds.

10. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds for the implementation of the provisions of the Act.

Act not to be in derogation of other Laws.

11. The provisions of this Act shall be in addition to and not in derogation of any other law, for the time being in force, regulating any of the matters dealt with in this Act.

Power to make rules.

12. (*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

(*2*) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Our country is currently paying a heavy price for excessively interfering with the nature. Wrong practices being adopted in agriculture have given rise to a number of issues including unemployment, degradation of land and deteriorating water resources. Deforestation has resulted in land erosion and also in lowering of water level. The ecological experts are warning us against the ill-effects of reduction in Bio-diversity.

Cow and its progeny are the mainstay of agriculture and rural economy of the country. Cows are considered sacred in our tradition and there is a good reason for that. Even then we are unable to save them from extermination. Smuggling of livestock worth 150 million rupees is taking place along Indo-Bangladesh border every year. According to an estimate, approximately 80 per cent of the cow and its progeny have already been destroyed since independence. It is our misfortune that we have undermined our culture from which we have benefited so much. We still do not appreciate the kind of riches we can get if only proper arrangements are put in place to protect and enrich our cows and their progeny. The existence of 36,000 slaughter-houses in the country is a pointer to this.

Hybrid varieties yield more milk but become less productive in a short span. The indigenous cows are important not only for their milk but also for other by-products such as, cow dung, bones, horns, urine which have adequate medicinal importance. Community animal husbandry can help run bio-gas plant having 85 to 125 cubic meter capacity. It may be said that there is a strong linkage amongst rural industries, seven lakh villages and promotion of cow progeny. Mosquito-resistant coils, phenyl, insecticides, distemper, earthen tiles, shaving creams, face creams, utensil cleaning powders, tooth protection, herbal shampoos and also medicines for stomach cancer, kidney disease, respiratory disease and tuberculosis etc. are just some of the products that are based on materials derived from cows. This proves that we can still generate employment on a very large scale to promote rural economy on the basis of cow and its progeny. That is why, cow is regarded in our country as *gaumata* and hence, there is need to make special provisions for protection, promotion and development of cow and its progeny.

This Bill proposes to constitute a National Cow Protection Authority at the national level and State Cow Protection Authority at the State level for protection and development of cow and its progeny which is considered as the basis for the development of country and rural economy.

Hence, this Bill.

NEW DELHI;
November 12, 2014.

ARJUN MEGHWAL

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the constitution of a National Authority for protection of cow and its progeny. Clause 5 provides for composition of the National Authority and salary and allowances payable to the Chairperson and other members of the Authority. Clause 6 provides for constitution of the State Authority in States and Union territories for protection and overall development of cow and its progeny in the States and Union territories by the Central Government. Clause 7 provides that Central Authority shall perform certain functions like collection and compilation of data pertaining to indigenous cows, setting up of shelter with adequate facilities for cows, providing financial assistance to the State Cow Protection Authority etc. Clause 8 provides for formation of special squads for enforcement for protection of cows. Clause 10 provides that Central Government shall release funds to Central Authority after due appropriation. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of approximately rupees one thousand crore is likely to be involved.

A non-recurring expenditure of one hundred crore rupees is also likely to be involved.

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MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Bill. The rules will relate to matters of detail only. Therefore, the delegation of legislative power is of a normal character.

BILL NO. 167 OF 2014

A Bill to provide for establishment of Tourism Promotion Authority for the promotion of tourism in the country and for matters connected therewith.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Tourism Promotion Authority Act, 2014.

(*2*) It extends to the whole of India.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "Authority" means the Tourism Promotion Authority constituted under section 4; and

(*b*) "prescribed" means prescribed by rules made under this Act.

Declaration of areas having tourism potential as tourist destination.

3. (*1*) The Central Government may, if it is of the opinion that an area has tourism potential in view of its location, ancient or historical importance or natural beauty, it may, by notification in the Official Gazette, declare that area to be a tourist destination.

(*2*) An area declared under sub-section (*1*) as tourist destination shall be developed by the Authority as per international standards.

Constitution of the Tourism Promotion Authority.

4. (*1*) The Central Government shall, by notification in official Gazette, constitute an Authority to be known as the Tourism Promotion Authority for promotion of tourism and development tourist destinations.

(*2*) The Authority shall be a body corporate, having perpetual succession and a common seal with power to acquire, hold and dispose of property, both movable and immovable and to contract and shall by the said name sue and be sued.

(*3*) The Authority shall consist of—

(*a*)	Minister-in-charge of the Union Ministry of Tourism	—	Chairperson, *ex-officio;*
(*b*)	one person, whole-time member, to be appointed by the Central Government, having proven experience and expertise in the field of archaeology, country and town planning, architecture, heritage, conservation or law	—	Vice-Chairperson;
(*c*)	Secretary, Union Ministry of Tourism	—	member, *ex-officio;*
(*d*)	Secretary, Union Ministry of Culture	—	member, *ex-officio;*
(*e*)	Secretary, Union Ministry of Home Affairs	—	member, *ex-officio;*
(*f*)	Director General, Archaeological Survey of India	—	member, *ex-officio;*
(*g*)	Secretaries, Department of Tourism of the State Governments	—	members, *ex-officio;*
(*h*)	Member of the House of People whose constituencies include any part of the tourist destination	—	member, *ex-officio;*
(*i*)	Municipal Commissioner of the Municipality concerned	—	member, *ex-officio;*
(*j*)	Divisional Commissioner of the Division concerned	—	member, *ex-officio;*
(*k*)	not more than three persons to be nominated by the Central Government.	—	members.

(*4*) The Vice-Chairperson and the nominated members shall hold office for a period of three years.

(*5*) The salary and allowances payable to and other terms and conditions of the Vice-Chairperson and other members shall be such as may be prescribed.

Appointment of Secretary, Chief Accounts Officer and other staff of the Authority.

5. (*1*) The Central Government shall appoint the Secretary and the Chief Accounts Officer, respectively, of the Authority in such manner as may be prescribed.

(*2*) The Secretary and the Chief Accounts Officer shall exercise such powers and perform such duties as may be specified by the Central Government.

(*3*) The Central Government shall provide such number of other officers and staff to the Authority as may be required for its efficient functioning.

(*4*) The salary and allowances payable to and other terms and conditions of the officers and staff of the Authority shall be such as may be prescribed.

Headquarter and other offices of the Authority.

6. (*1*) The headquarter of the Authority shall be at New Delhi.

(*2*) The Authority shall have its offices in every state capital or at such other places as it may deem fit for carrying out the purposes of this Act.

Meetings and procedure of the Authority.

7. (*1*) The Authority shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of its business at its meetings, as may be prescribed.

(*2*) When any member referred to in sub-clause (*c*) or (*d*) or (*e*) of section 3 is unable to attend a meeting of the Authority for any reason, he may depute an officer, not below the rank of Joint Secretary, from his Department to attend the meeting and such member shall have the right to vote.

Vacancies not to invalidate proceedings of the Authority.

8. No Act or proceeding of the Authority shall be invalid by reason of any vacancy in the Authority.

Constitution of the Tourism Promotion Authority Fund.

9. (*1*) The Central Government shall, by notification in Official Gazette, constitute a Fund to be known as the Tourism Promotion Authority Fund.

(*2*) The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite sums to the Fund for carrying out the purposes of this Act.

Objects of the Authority.

10. The objects of the Authority shall be—

(*a*) to promote and develop tourism;

(*b*) to improve and strengthen the existing infrastructure in and around ancient monuments, heritage sites and tourist destinations.

(*c*) to develop new tourist destinations with all basic amenities;

(d) to co-ordinate, support and interact with other departments and agencies for streamlining services and amenities in and around tourist destinations;

(e) to provide safety and security to tourists; and

(f) to facilitate and enhance the experience of the tourists.

Master Plan for the development of tourist destinations.

11. *(1)* The Authority shall, as soon as may be, prepare a separate Master Plan for the development of each tourist destination.

(2) The Master Plan shall include—

(a) vision for the development of tourist destination;

(b) measures both short term, and long term to promote and develop tourism; and

(c) measures to strengthen the existing infrastructure in and around tourist destination.

(3) The Master Plan of a tourist destination shall be published in at least one local newspaper having circulation in that area for inviting objections and suggestions from general public before such date as may be specified in the publication.

(4) The Authority shall, before finalizing a Master Plan, take into consideration all objections and suggestions made under sub-section (*3*).

Functions of the Authority.

12. The Authority shall—

(i) prepare a calendar of activities including annual festival, *melas, haats* to be organised in the each forthcoming financial year for the promotion of tourism at different tourist destinations;

(ii) advertise such activities as it considers necessary to promote tourism at different tourist destinations;

(iii) interact once in three months with the stakeholders including representatives of the hoteliers, local authorities, police, Archaeological Survey of India and the Tourism Department of the State Government concerned for proper co-ordination to develop and strengthen tourism infrastructure in and around tourist destinations in the area;

(iv) provide amenities at such rate and in such manner to the visitors as may be notified by the Central Government in this regard;

(v) provide such other amenities as it may deem fit for the development of tourist destination;

(vi) recommend to the Central Government the measures to be taken for the development of tourist destinations;

(vii) coordinate with the local authorities functioning in the area regarding any developmental work undertaken or to be undertaken in or around a tourist destination;

(viii) maintain a website containing all essential information regarding the tourist destination including hotels, monuments and heritage sites, tourist maps, help desk, district administration and tour operators with a view to provide necessary information and help to the tourists; and

(ix) levy and collect entry fee at such rate and in such manner, as may be prescribed, from visitors at tourist destinations; and

(x) issue such directions as it may deem necessary or expedient to meet the purposes of the Act.

Acquisition of land for development of tourist destination.

13. Notwithstanding anything contained in any other law for the time being in force, the Central Government may, on the recommendation of the Authority and in consultation with State Government concerned, acquire any land required for the purposes of development of a new tourist destination under this Act.

Prior intimation of any development work by any local authority to the Authority.

14. *(1)* Whenever any development work is to be carried out in or around any the tourist destination by any local authority, such local authority shall inform the Authority in writing at least fifteen days before carrying out any development work along with the estimates of expenditure likely to be incurred on development work.

(2) The Authority shall maintain a Register containing details of development works to be undertaken by the local authorities.

(3) Any person, who intends to inspect the Register maintained under sub-section (*2*), shall apply to the Authority, in such form and manner as may be prescribed.

(4) If, in the opinion of the Authority, any proposed development work shall adversely affect the tourism potential of a tourist destination, the Authority may, after giving an opportunity of being heard to the agency concerned, restrain such agency from carrying out any such development work.

Central Government to issue directions.

15. The Central Government shall, from time to time, issue such directions to the Authority, as may be necessary for carrying out the purposes of this Act.

Accounts and audits.

16. *(1)* The Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the balance-sheet in such form as may be prescribed.

(2) The accounts of the Authority shall be audited at such intervals as may be specified by the Central Government.

Annual Report.

17. *(1)* The Authority shall prepare every year an annual report in such form and manner, as may be prescribed by the Central Government, giving a full account of its activities during the previous year, and copies of the report shall be forwarded to the Central Government.

(2) A copy of the report forwarded under sub-section (*1*) shall be laid, as soon as may be after it is received, before each House of Parliament.

Returns and inspections.

18. *(1)* The Authority shall furnish to the Central Government at such time and in such form and manner, as may be prescribed, such returns, statements and other particulars in regard to any proposed or existing programme for the promotion and development of tourism, as the Central Government may, from time to time require.

(2) The Authority or any other officer authorized on its behalf, may call for reports and other information from the State Government or any other agency, as may be required by it for the efficient administration of this Act and it shall be incumbent for the State Government or other agency concerned to furnish the information so required.

Authentication of orders and documents of Authority.

19. All permissions, orders, decisions, notices and other documents of the Authority shall be authenticated by the signature of the Secretary to the Authority or any other officer authorized by the Authority in that behalf.

Power to delegate.

20. The Authority may, by general or special order, direct that any power exercisable by it under this Act may be exercised by such officer or local Authority in such cases and subject to such conditions as may be specified therein.

Members and officers to be public servants.

21. The Vice-Chairperson, every member, officer and other employees of the Authority shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servant within the meaning of section 21 of the Indian Penal Code.

45 of 1860.

Protection of action taken in good faith.

22. No suit, prosecution or other legal proceeding shall lie against the Authority or any member, officer or other employees of the Authority for anything which is in good faith done or intended to be done under this Act or the rules or regulations made thereunder.

Power to delegate.

23. The Authority may, be general or special order in writing, delegate to the Vice-Chairperson or any member, officer of the Authority or any other person subject to such conditions, if any as may be specified in the order, such of its powers and functions under this Act, as it may deem necessary.

Power to remove difficulty.

24. (*1*) If any difficulty arises in giving effect to the provision of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for removal of the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of the commencement of this Act.

(*2*) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

Power to make rules.

25. (*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in the making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Tourism in India has shown a phenomenal growth in recent times. There are still a large number of places in India which have got immense tourist potential, but unfortunately due to various reasons the potential could not be best utilized. The meager number of inbound foreign tourists in comparison to other countries clearly established the lack of proactive actions on our part. We have grossly failed to market our tourist destinations, heritage monuments and sites aggressively whether nationally or internationally. Our existing tourist destinations lack facilities and amenities for the tourists and therefore, they do not experience a comfortable stay during their visits.

The Directorates of Tourism, both of the Central and the State Governments, could not also achieve the purpose of promoting tourism and developing the destinations as model tourist destinations. Undoubtedly, the promotion of tourism would enhance our prosperity besides increasing the avenues of employment. We, therefore, urgently need the statutory bodies, which can have the full focus and powers to work in this sphere of tourism.

The present Bill, keeping in view promotion and development of tourism in the country, provides for—

(*i*) establishment of Tourism Promotion Authority for promotion and development of tourism;

(*ii*) to improve and strengthen the existing infrastructure in and around tourist places, ancient monuments and heritage sites;

(*iii*) to create and construct new permanent tourist destinations with all basic amenities;

(*iv*) to motivate other departments and agencies for framing requisite schemes;

(*v*) to take steps to promote tourist friendly activities; and

(*vi*) to facilitate and enhance the experience of the tourists.

The Bill seeks to achieve the above objectives.

Hence this Bill.

NEW DELHI;
November 12, 2014.

ARJUN MEGHWAL

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the constitution of the Tourism Promotion Authority by the Central Government. Clause 5 provides for appointment of Secretary, Chief Account Officer and other staff of the Authority. Clause 6 provides for headquarter and other offices of the Authority. Clause 7 provides for meetings and procedure of the Authority. Clause 9 provides for constitution of a Tourism Promotion Authority Fund. Clause 12 provides for the promotion of tourism through advertisement, maintaining of website and providing amenities for development of tourist destinations. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India.

At this stage, it is not possible to give the exact amount to be incurred. However, it is estimated that a recurring expenditure of about three hundred crore will be involved per annum.

A non-recurring expenditure of rupees three hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 25 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the matters will relate to detail only, the delegation of legislative power is, therefore, of a normal character.

BILL NO. 147 OF 2014

A Bill further to amend the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Amendment Act, 2014.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Insertion of new section 16B.

2. In the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 (hereinafter referred to as the principal Act), after section 16A, the following section shall be inserted, namely:— 57 of 1994.

Constitution of District Working Committee.

"16B. (*1*) The State Supervisory Boards and the Union territory Supervisory Boards constituted under sub-section (*1*) of section 16A shall constitute District Working Committees in each district under their respective jurisdiction for the purpose of discharging their functions, particularly those referred to in clauses (i), (iii) and (iv) of sub-section (1) of section 16A, at district level in an efficient manner:

Provided that the District Working Committees may perform such other functions as may be assigned to them from time to time by respective State Supervisory Boards or the Union territory Boards, as the case may be.

(*2*) The District Working Committee shall consist of,—

(*i*) an officer not below the rank of Additional District Magistrate—Chairperson, *ex-officio;*

(*ii*) Chief Medical Officer of a Government Hospital—Member, *ex-officio;*

(*iii*) five eminent women activists representing women's organization—members; and

(*iv*) ten persons representing reputed social organizations actively working in the district for at least ten years for prevention of determination of sex or female foeticide—members.

(3) The District Working Committee shall meet at least once in every three months and the quorum to constitute a meeting of the Committee shall be one-third of the total number of members of the Committee.

(*4*) For the purpose of performing its functions and activities, the District Working Committee shall follow such procedures as the State Supervisory Board or Union territory Supervisory Board, as the case may be, may specify.".

Amendment of section 22.

3. In section 22 of the principal Act, in sub-section (*3*), for the words "imprisonment for a term which may extend to three years and with fine which may extend to ten thousand rupees", the words "imprisonment for a term which may extend to ten years and with fine which may extend to one lakh rupees" shall be substituted.

Amendment of section 23.

4. In section 23 of the principal Act,—

(*i*) in sub-section (*2*), for the words "five years", the words "ten years" shall be substituted.

(*ii*) in sub-section (*3*), for the words "imprisonment for a term which may extend to three years and with fine which may extend to fifty thousand rupees for the first offence and for any subsequent offence with imprisonment which may extend to five years and with fine which may extend to one lakh rupees", the words "imprisonment for a term which may extend to five years and with fine which may extend to one lakh rupees for the first offence and for any subsequent offence with imprisonment which may extend to ten years and with fine which may extend to two lakh rupees" shall be substituted.

Substitution of new section for section 25.

5. For section 25 of the principal Act, the following section shall be substituted, namely:—

"25. Whoever contravenes any of the provisions of this Act or any rules made thereunder, for which no penalty has been elsewhere provided in this Act, shall be punishable with imprisonment for a term which may extend to six months or with fine, which may extend to ten thousand rupees or with both and in the case of continuing contravention with an additional fine which may extend to five thousand rupees for every day during which such contravention continues after the conviction for the first such contravention.".

STATEMENT OF OBJECTS AND REASONS

The Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 was enacted with a view to prevent unscrupulous use of ultrasonography scans to determine the sex of the unborn child. However, there has been no effective implementation of the provisions of the Act to prevent female foeticide across the country. One of the prime reasons for it is that there is no effective machinery available at village level to District level in the State to create awareness among the masses about female foeticide and to check the increasing offences. Therefore, it is necessary to provide a mechanism in the Act itself for constitution of District Working Committees comprising of social workers and officials of district Administration in every District to create awareness among the masses and to implement the provisions of the Act. There is also a need to provide stringent punishment under the Act so as to deter people from committing offences.

The Bill seeks to provide for—

(a) constitution of District Working Committees at district level to create awareness among the masses and to check increasing offences of female foeticide in every district; and

(b) enhancing the penalty for contravention of the Act so as to deter people from committing such offences.

Hence this Bill.

NEW DELHI;
November 12, 2014.

ARJUN MEGHWAL

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for the Constitution of District Working Committees in every district of the States and Union territories. The District Working Committee shall consist of representatives of women organizations and social organizations working to prevent determination of sex or female foeticide in the district. The State Governments have to bear the expenditure in respect of travelling allowance, etc. to be paid to the members of the District Working Committees from their respective Consolidated Funds. However, the Central Government have to bear the expenditure in respect of District Working Committees to be constituted in the Union territories. The Bill, therefore, if enacted, would involve expenditure out of the Consolidated Fund of India. It is estimated that an annual recurring expenditure to the tune of rupees one hundred crore is likely to be involved.

A non-recurring expenditure to the tune of rupees one hundred crore is also likely to be involved.

ANOOP MISHRA
Secretary-General.

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